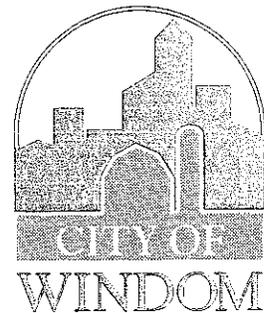


City Council Meeting  
Tuesday, April 1, 2008  
City Council Chambers  
7:30 p.m.  
AGENDA



Call to Order  
Pledge of Allegiance

1. Approval of Minutes
  - Council Minutes -- March 18, 2008
2. Consent Agenda
  - Receipt of Board & Commission Minutes
    - Community Center Commission – March 24, 2008
3. Department Heads
4. License Application
  - Dance Permit – Windom Fire Dept
  - Authorization to Dispense Liquor – Windom Community Center
    - Eagles Club – April 19, 2008
    - Lakers Grill – June 7, 2008  
July 12, 2008  
August 16, 2008  
September 27, 2008
5. Ordinance No. 130 2<sup>nd</sup> Series – Amending Chapter 13 (Public Nuisance)
  - Second Reading
  - Title & Summary Publication Approval
6. EDA Annual Report
7. Personnel Committee Recommendations
  - Compensation & Classification Study RFP Recommendation
  - Part-Time, Seasonal Pay Rates
8. Hospital Board Appointment
9. Regular Bills
10. Unfinished Business
11. New Business
12. Council Concerns



**Council Meeting**  
**Windom City Hall, Council Chamber**  
**March 18, 2008**  
**7:30 p.m.**

1. Call to Order: The meeting was called to order by Mayor Tom Riordan at 7:30 p.m

2. Roll Call: Mayor: Tom Riordan

Council Members: Jean Fast, Kirby Kruse, Robert Messer,  
Bradley Powers and JoAnn Ray

Council Members Absent:

City Staff Present: Steve Nasby, City Administrator; Jim  
Kartes, Building Official; and Terry  
Glidden, Telecom

Public Present: Dirk Abraham

3. Pledge of Allegiance

4. Approval of Minutes:

**Motion by Fast, second by Ray, to approve the March 4, 2008 minutes.  
Motion carried 5 – 0.**

5. Approval of the Consent Agenda:

**Motion by Powers second by Fast, to approve the Consent Agenda. Motion  
carried 5 – 0.**

6. Department Heads:

None

7. Proclamation – Windom\Mt.Lake\Butterfield\Odin Wrestling Team:

Riordan recognized the captains of the wrestling team and acknowledged the  
team's accomplishments for the 2007-08 season.

**Council member Messer introduced the Resolution No. 2008-08, entitled**

**“A RESOLUTION RECOGNIZING THE 2007-08 WINDOM-MT. LAKE-BUTTERFIELD-ODIN COBRAS WRESTLING TEAM” and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Fast, Kruse, Messer, Powers and Ray. Nay: none. Absent: none. Resolution passed 5-0.**

8. First Reading of Ordinance No. 130, 2<sup>nd</sup> Series – Amending Chapter 13 (Public Nuisance):

Kartes said that this ordinance had been adopted in March 2002 and the proposed ordinance includes clarifications and technical corrections to Chapter 13. He said resources from the League of Minnesota Cities and other communities were used to assist in the revisions. The Windom Police Chief and City Attorney have also reviewed and provided comments.

Riordan asked what the major changes were in the proposed ordinance. Kartes said there were not major changes, but corrections for clarifications to make it easier to enforce. One item that was added addressed solid fuels (e.g. corn and wood) as solid fuel had not been addressed in the present version. One other item had to do with lighting problems and this proposed ordinance would handle light pollution issues.

**Motion by Kruse, seconded by Powers, to approve the first reading of Ordinance No. 130, 2<sup>nd</sup> Series. Motion carried 4 – 1 (Messer voting no).**

Messer said that he went through the changes with Kartes. He said they disagreed on some of the language as Messer thought it left too much to interpretation which leads to poor legislation.

Fast said that most of the complaints she gets are from things being left outdoors or properties that are not cleaned up properly. Kartes said this ordinance is the first line of defense. When complaints are received, pictures are taken and he compares the situation to the language in the ordinance. If there are sufficient grounds he sends a notice of violation letter which includes a time for compliance. If no action is taken it is turned over to the Police to issue a citation. If the matter is not resolved it would go to court.

Fast asked if there had been problems with solid fuels. Kartes said not yet, but with corn burners a lot of other communities have had problems and he wanted to get ahead of any that may arise.

Powers said that it is important to have a well written ordinance in place to make enforcement easier.

Riordan noted that it is better to make incremental changes rather than wait until there are numerous issues to address.

Powers said that it appears the City is more lax in the winter months on enforcement and he would like to see the ordinance enforced year-around.

9. 4<sup>th</sup> Avenue Bridge Replacement – Municipal Drainage Structure Replacement Resolution:

Riordan said that this is the bridge over Perkins Creek on 4<sup>th</sup> Avenue and it is part of the last phase of the 4<sup>th</sup> Avenue re-construction project that is scheduled for 2009.

Nasby said the resolution from the County is requiring the City to cost-share on the replacement of this structure. The County would be seeking State funds for the project, but the City would be paying for items that were not covered by State funds.

**Council member Fast introduced the Resolution No. 2008-09, entitled “A RESOLUTION FOR MUNICIPAL DRAINAGE STRUCTURE REPLACEMENT” and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Kruse, Messer, Powers, Ray and Fast. Nay: none. Absent: none. Resolution passed 5-0.**

10. Regular Bills:

**Motion by Messer, seconded by Powers, to approve the Regular Bills.  
Motion carried 5 – 0.**

11. Unfinished Business:

None.

12. New Business:

Messer asked Nasby to discuss the Highway 60 group meeting held in Worthington. Nasby said that the MN DOT officials provided an overview of the project schedule on the sections from the Iowa\Minnesota state line to I-90. This was to be completed in 2013. He said that MN DOT is still discussing the “legislative intent” of the language in the 2008 State Transportation bill as it related to the Windom-St. James section of Highway 60.

Messer encouraged citizens to contact their legislators concerning Highway 60 and the importance to have the Windom to St. James section completed as soon as possible.

Riordan said that he had two re-appointments to the Hospital Board. He nominated Mary Klosterbuer and Kathy Ratzlaff for re-appointment.

**Motion by Fast, seconded by Ray, to approve the two Hospital Board appointments as presented. Motion carried 5 – 0.**

Riordan said he was awaiting confirmation from a third person and he would have this last appointment for the next City Council meeting.

13. Council Concerns:

None.

14. Adjourn:

**Motion by Messer, seconded by Fast, to adjourn. Motion carried 5 – 0.**

Meeting adjourned at 7:50 p.m.

---

Tom Riordan, Mayor

Attest: \_\_\_\_\_  
Steve Nasby, City Administrator

Community Center Commission Minutes  
Monday March 24, 2008

1. Call to Order: The meeting was called to order by President Wayne Maras at 5:40 p.m.

2. Roll Call: President: Wayne Maras  
CC Director: Brad Bussa  
Commission Members: Kelly Woizeschke  
Kathryn Nemitz  
La Vonne Swenson-Absent  
Connie Knorr-Absent  
  
Commission Liaisons: Kirby Kruse  
Bruce Caldwell  
Jo Ann Ray-Absent  
  
Public: Mary Theesfeld  
Jean Gode

3. Approval of Minutes:

**Motion by K. Woizeschke, seconded by K. Nemitz to approve the February 25, 2008 Community Center Commission Minutes. Motion carried 3-0**

4. Additions to the agenda:

None

5. Correspondence:

Reviewed most recent rental survey. Positive feedback

6. President's Report:

Sub-Committee Report: Rates & Events- A recommendation was made to change current brochure to reflect after hours rental fees. Commission tabled until full Commission is present.

7. Director's Report:

- a. Relay for Life: Representatives Jean Gode and Mary Theesfeld were present to discuss the upcoming Relay for Life event on July 25-26, 2008. They questioned the fees and time allowance the Commission had recommended for this years event. Commission revised their past offer in accordance with the current rental fee of and to include Room #105 (small multi-purpose room) of \$20.00 per hour until 1:00am as per brochure. The bleacher fee would remain the same (\$25.00) per bleacher. Bruce Caldwell offered the current bleachers that are in Island Park

and at the sand volleyball courts for N/C. Theesfeld and Gode will present to their group and get back to Brad Bussa with a decision.

b. WCC/Public Library:

Community Center and Public Library will be hosting the following:

Singer-songwriter-author "What's Cooking?"- July 8, 2008

Puppet Show "Gator Alley"- July 22, 2008

c. Liquor Policy Update:

Brad Bussa is currently reviewing with the city attorney Dan McDonald.

8. Resource Management:

Schedule of Events: Reviewed upcoming events- heavily booked in the upcoming months.

Income/Expenses: Report reflects the first 2 months of the year.

9. Miscellaneous:

Brad Bussa had Mr. Marcy from the street department make the following to rent:

5- Bar Tables

4- 8 ft. pillars

4- 4 ft. pillars

4- Lattice Backdrops

Brad Bussa still contacting the Windom Schools design and landscape class to inquire on the possibility of their participation in the patio expansion project.

10. Open Forum:

None

11. Next Meeting:

Monday April 28, 2008 @ 5:30 pm

Sub Committee: 5:00 pm – Liquor/Catering Woizeschke and Nemitz

**Adjourn:**

**Motion by Woizeschke, seconded by Nemitz, to adjourn the meeting at 6:27 pm.**

**Motion carried 3-0.**

---

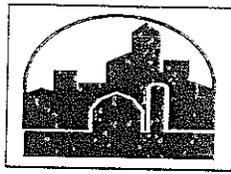
Wayne Maras, CCC President

---

Kathryn Nemitz, CCC Secretary

Attest: \_\_\_\_\_  
Brad Bussa, Community Center Director





City of Windom  
Windom, Minnesota

BACK TO  
CITY HALL

Application  
For Authorization to Dispense Intoxicating Liquor

To the Windom City Council :

The undersigned hereby applies for authorization to dispense intoxicating liquor on City owned property during a City sponsored event in the City of Windom in accordance with the information given below, City of Windom Code Chapter 5 and Minnesota Statute 340A.404:

Location of Event Windom Comm CENTER

Date of Event April 19<sup>th</sup> 2008

Hours 4-12

Type of Event Windom FIREMENS DANCE

Engles Club  
Name of Individual/Organization

[Signature]  
Licensee Officers Signature

821 4th Ave  
Street Address

Windom MN 56101  
City State

831-3891  
Telephone Number

Application  Approved  Disapproved  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Administrator

**License Fee - None \$0.00**

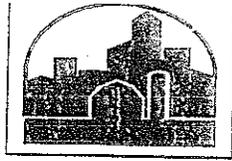
- Copy of On-sale license attached
- Proof of insurance attached
- City named as additional insured
- Licensee has signed the Hold Harmless Agreement

**Hold Harmless and Indemnification Agreement**

IN CONSIDERATION OF authorization by the Windom City Council to dispense intoxicating liquor on City-owned property or during a City sponsored event, the undersigned licensee hereby agrees to hold harmless the City of Windom, its employees and its agents, from any and all claims for any damages whatsoever arising out of the licensee providing intoxicating liquor under said authorization on the 19<sup>th</sup> day of April, 2008. Further, the undersigned licensee agrees to indemnify the City of Windom for any such claims for damages whatsoever arising out of licensee's dispensing of said intoxicating liquor, including the reimbursement of the City of Windom's costs and disbursements, including reasonable attorneys' fees in defending any such action for claims and damages.

[Signature]  
Licensee Officers Signature

2-20-08  
Date



City of Windom  
Windom, Minnesota

Application

For Authorization to Dispense Intoxicating Liquor

To the Windom City Council :

The undersigned hereby applies for authorization to dispense intoxicating liquor on City owned property during a City sponsored event in the City of Windom in accordance with the information given below, City of Windom Code Chapter 5 and Minnesota Statute 340A.404:

Location of Event Community Center

Date of Event June 7

Hours 5-12:00

Type of Event wedding (Schwendler / Peterson)

Lake Mill  
Name of Individual/Organization

999 2nd Ave Diane Radtke  
Licensee Officers Signature

Mountain Lake Mn 56159  
Street Address

City 507-427-2450 State  
Telephone Number

Application  Approved  Disapproved  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
City Administrator

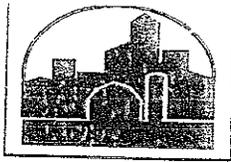
License Fee - None \$0.00	
<input checked="" type="checkbox"/>	Copy of On-sale license attached
<input checked="" type="checkbox"/>	Proof of insurance attached
<input checked="" type="checkbox"/>	City named as additional insured
<input checked="" type="checkbox"/>	Licensee has signed the Hold Harmless Agreement

**Hold Harmless and Indemnification Agreement**

IN CONSIDERATION OF authorization by the Windom City Council to dispense intoxicating liquor on City-owned property or during a City sponsored event, the undersigned licensee hereby agrees to hold harmless the City of Windom, its employees and its agents, from any and all claims for any damages whatsoever arising out of the licensee providing intoxicating liquor under said authorization on the 7<sup>th</sup> day of June, 2008. Further, the undersigned licensee agrees to indemnify the City of Windom for any such claims for damages whatsoever arising out of licensee's dispensing of said intoxicating liquor, including the reimbursement of the City of Windom's costs and disbursements, including reasonable attorneys' fees in defending any such action for claims and damages.

Diane Radtke  
Licensee Officers Signature

3/25/08  
Date



City of Windom  
Windom, Minnesota

Application

For Authorization to Dispense Intoxicating Liquor

To the Windom City Council :

The undersigned hereby applies for authorization to dispense intoxicating liquor on City owned property during a City sponsored event in the City of Windom in accordance with the information given below, City of Windom Code Chapter 5 and Minnesota Statute 340A.404:

Location of Event Community center

Date of Event July 12

Hours 5-12:00

Type of Event wedding Fast / Freedom

Lakeview  
Name of Individual/Organization

Diane Padtke  
Licensee Officers Signature

999 2nd Ave  
Street Address

Mountain Lake Mn  
City

State

507-427-2450  
Telephone Number

Application  Approved  Disapproved  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Administrator

<b>License Fee - None \$0.00</b>	
<input checked="" type="checkbox"/>	Copy of On-sale license attached
<input checked="" type="checkbox"/>	Proof of insurance attached
<input checked="" type="checkbox"/>	City named as additional insured
<input checked="" type="checkbox"/>	Licensee has signed the Hold Harmless Agreement

**Hold Harmless and Indemnification Agreement**

IN CONSIDERATION OF authorization by the Windom City Council to dispense intoxicating liquor on City-owned property or during a City sponsored event, the undersigned licensee hereby agrees to hold harmless the City of Windom, its employees and its agents, from any and all claims for any damages whatsoever arising out of the licensee providing intoxicating liquor under said authorization on the 12<sup>th</sup> day of July, 2008. Further, the undersigned licensee agrees to indemnify the City of Windom for any such claims for damages whatsoever arising out of licensee's dispensing of said intoxicating liquor, including the reimbursement of the City of Windom's costs and disbursements, including reasonable attorneys' fees in defending any such action for claims and damages.

Diane Padtke  
Licensee Officers Signature

3/25/08  
Date



City of Windom  
Windom, Minnesota

Application

For Authorization to Dispense Intoxicating Liquor

To the Windom City Council :

The undersigned hereby applies for authorization to dispense intoxicating liquor on City owned property during a City sponsored event in the City of Windom in accordance with the information given below, City of Windom Code Chapter 5 and Minnesota Statute 340A.404:

Location of Event community center

Date of Event Aug 16

Hours 5-12:00

Type of Event wedding (Harris / Nielsen)

Laksonell  
Name of individual/Organization

Diane Padtke  
Licensee Officers Signature

999 2nd Ave  
Street Address

Mountain Lake MN  
City State

507-427-2450  
Telephone Number

Application  Approved  Disapproved  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Administrator

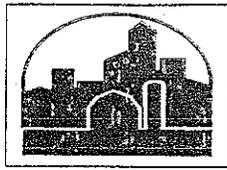
<b>License Fee - None \$0.00</b>	
<input checked="" type="checkbox"/>	Copy of On-sale license attached
<input checked="" type="checkbox"/>	Proof of insurance attached
<input checked="" type="checkbox"/>	City named as additional insured
<input checked="" type="checkbox"/>	Licensee has signed the Hold Harmless Agreement

**Hold Harmless and Indemnification Agreement**

IN CONSIDERATION OF authorization by the Windom City Council to dispense intoxicating liquor on City-owned property or during a City sponsored event, the undersigned licensee hereby agrees to hold harmless the City of Windom, its employees and its agents, from any and all claims for any damages whatsoever arising out of the licensee providing intoxicating liquor under said authorization on the 16<sup>th</sup> day of Aug, 2008. Further, the undersigned licensee agrees to indemnify the City of Windom for any such claims for damages whatsoever arising out of licensee's dispensing of said intoxicating liquor, including the reimbursement of the City of Windom's costs and disbursements, including reasonable attorneys' fees in defending any such action for claims and damages.

Diane Padtke  
Licensee Officers Signature

3/25/08  
Date



City of Windom  
Windom, Minnesota

Application  
For Authorization to Dispense Intoxicating Liquor

To the Windom City Council :

The undersigned hereby applies for authorization to dispense intoxicating liquor on City owned property during a City sponsored event in the City of Windom in accordance with the information given below, City of Windom Code Chapter 5 and Minnesota Statute 340A.404:

Location of Event community center

Date of Event Sept 27

Hours 5:00 - 12:00

Type of Event wedding Marcy Hall

Diane Pedtke  
Name of Individual/Organization

Lakemill  
Licensee Officers Signature

999 2nd Ave  
Street Address

Mountain Lake MP  
City State

507-427-2450  
Telephone Number

Application  Approved  Disapproved  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
City Administrator

<b>License Fee - None \$0.00</b>	
<input checked="" type="checkbox"/>	Copy of On-sale license attached
<input checked="" type="checkbox"/>	Proof of insurance attached
<input checked="" type="checkbox"/>	City named as additional insured
<input checked="" type="checkbox"/>	Licensee has signed the Hold Harmless Agreement

**Hold Harmless and Indemnification Agreement**

IN CONSIDERATION OF authorization by the Windom City Council to dispense intoxicating liquor on City-owned property or during a City sponsored event, the undersigned licensee hereby agrees to hold harmless the City of Windom, its employees and its agents, from any and all claims for any damages whatsoever arising out of the licensee providing intoxicating liquor under said authorization on the 27<sup>th</sup> day of Sept, 2008. Further, the undersigned licensee agrees to indemnify the City of Windom for any such claims for damages whatsoever arising out of licensee's dispensing of said intoxicating liquor, including the reimbursement of the City of Windom's costs and disbursements, including reasonable attorneys' fees in defending any such action for claims and damages.

Diane Pedtke  
Licensee Officers Signature

3/25/08  
Date



**MEMO**

TO: MAYOR & CITY COUNCIL  
FROM: JIM KARTES, BUILDING & ZONING OFFICIAL  
DATE: MARCH 27, 2008  
RE: ORDINANCE NO. 130, 2<sup>ND</sup> SERIES – SECOND READING  
(Revisions to Chapter 13)

The City Council approved the first reading of Ordinance No. 130, 2<sup>nd</sup> Series on March 18, 2008. The second reading is scheduled for April 1, 2008. At that time, the ordinance can be adopted. For your convenience, attached is an additional copy of proposed Ordinance No. 130, 2<sup>nd</sup> Series.

**Requested Action:** Approve the second reading of Ordinance No. 130, 2<sup>nd</sup> Series and adopt the ordinance.

State law requires the City to publish new ordinances in the local newspaper. However, the Legislature recognized the fact that the cost for publication of lengthy ordinances would be prohibitive. Therefore, they have included a provision in the law which allows the City to publish a title and summary of the ordinance.

A proposed Title and Summary has been prepared and reviewed by the City Attorney. His recommendations have been incorporated into the final draft.

Attached is a copy of the proposed “Title and Summary of Ordinance No. 130, 2<sup>nd</sup> Series” for your review. Pursuant to State law, the Council needs to approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. Approval of the Title and Summary requires a 4/5 vote of the Council.

**Requested Action:** Review and approve the “Title and Summary of Ordinance No. 130, 2<sup>nd</sup> Series” for publication.

Should you have any questions concerning the Title and Summary, please contact me at City Hall or by phone at 831-6125. I will also be present at the City Council Meeting on April 1<sup>st</sup> for any additional questions concerning the Title and Summary.

Thank you.

JK:mah

Attachments

ORDINANCE NO. 130, 2<sup>ND</sup> SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, AMENDING  
CITY CODE CHAPTER 13

THE CITY COUNCIL OF THE CITY OF WINDOM ORDAINS:

WHEREAS, the City adopted Ordinance No. 118, 2<sup>ND</sup> Series on March 19, 2002, which Ordinance added "Chapter 13 Public Nuisance" to the City Code for the City of Windom; and

WHEREAS, the effective date of said Ordinance was April 1, 2002; and

WHEREAS, there are numerous updates to Chapter 13 which the Planning Commission has recommended to the City Council; and

WHEREAS, it is in the best interests of the citizens of Windom that Chapter 13 be amended as set forth herein.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY:

1. DELETING SECTION 13.01 OF THE CITY CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 13.01:

**"SECTION 13.01. General. A Public Nuisance is any thing, act, occupation, condition, use or property which:**

- 1. Unreasonably annoys, injures, or endangers the health, safety, comfort, or repose of the public; or**
- 2. In any way renders the public insecure in life or obstructs the free use of property; or**
- 3. Greatly offends the public morals or is indecent; or**
- 4. Is offensive to the senses; or**
- 5. Unlawfully and substantially interferes with, obstructs, or tends to obstruct or render dangerous for passage any sidewalk, street, alley, highway, navigable body of water, or other public way."**

2. BY DELETING SECTION 13.02, SUBD. 2, F. IN ITS ENTIRETY AND INSERTING THE FOLLOWING IN LIEU THEREOF:

**"F. It is unlawful for any person to keep domestic fowl, such as ducks, geese, turkeys, or chickens, or predators, such as skunks, fox, or raccoon, or any animals classified as exotic, wild or dangerous, except by**

special permission of the City, and then only in accordance with all City, State, and Federal regulations.”

3. BY DELETING SECTION 13.02, SUBD. 4 IN ITS ENTIRETY AND INSERTING THE FOLLOWING IN LIEU THEREOF:

**“Subd. 4. Accumulations of decayed animal or vegetable matter, unwholesome food, manure, trash, rubbish, debris, rotting lumber, bedding, packing material, cardboard, plastic bags and containers, bottles, cans, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.”**

4. BY RENUMBERING EXISTING SECTION 13.02, SUBD. 11, PARAGRAPHS NOS. 1. AND 2. TO BE SECTIONS 13.02, SUBD. 11, PARAGRAPHS A AND D, RESPECTIVELY.

5. BY ADDING A NEW PARAGRAPH B. TO SECTION 13.02, SUBD. 11 WHICH NEW PARAGRAPH SHALL READ AS FOLLOWS:

**“B. The storage of pipe, lumber, forms, steel, machinery, or similar materials shall not be allowed on residential property.”**

6. BY ADDING A NEW PARAGRAPH C. TO SECTION 13.02, SUBD. 11, ENTITLED “SOLID FUEL”, WHICH NEW PARAGRAPH SHALL READ AS FOLLOWS:

**“C. Solid Fuel. For the purpose of this Subdivision, “solid fuel” includes, but is not limited to, corn, shelled or unshelled, and wood pellets. Outdoor storage requirements for solid fuel shall be as follows:**

- (1) Storage container shall be painted and designed to blend in with the structure it serves or be screened from view of neighboring properties.**
- (2) The container shall be permanently attached to the ground.**
- (3) The container shall be of sturdy leak-proof construction with a leak-proof lid.**
- (4) Storage of grain shall not be allowed in Zoning Districts R-1, R-2, R-3, B-1, or B-3 except as provided in this section.”**

7. BY DELETING SECTION 13.04, SUBD. 1 IN ITS ENTIRETY AND INSERTING THE FOLLOWING IN LIEU THEREOF:

**“Subd. 1. All trees, fences, hedges, signs, billboards, vehicles, recreational vehicles, items of personal property, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereon or 13 feet above the road surface of a public street.”**

8. BY RENUMBERING THE EXISTING SECTION 13.04, SUBD. 3 TO BE SECTION 13.04, SUBD. 4 AND RENUMBERING THE EXISTING SECTION 13.04, SUBD. 4 TO BE SECTION 13.04, SUBD. 6.

9. BY ADDING A NEW SECTION 13.04, SUBD. 3 AS FOLLOWS:

**“Subd. 3. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles, as measured on the property line of the property where the lighting is located, when the property abuts any residential parcel and one footcandle when the property abuts any commercial or industrial parcel.”**

10. BY RENUMBERING THE EXISTING SECTION 13.04, SUBD. 5 TO BE SECTION 13.04, SUBD. 8.

11. BY ADDING A NEW SECTION 13.04, SUBD. 5 AS FOLLOWS:

**“Subd. 5 Any fence that is not constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used; any fence that has been constructed of improper materials for the district in which it is located, such as the use of barbed wire or electric fencing in a residential district or as a boundary fence; any fence that has not been maintained and is in a condition of disrepair or has become a danger to public safety, health or welfare.”**

12. BY RENUMBERING THE EXISTING SECTION 13.04, SUBD. 6 TO BE SECTION 13.04, SUBD. 9 AND RENUMBERING THE EXISTING SECTION 13.04, SUBD. 7 TO BE SECTION 13.04, SUBD. 10.

13. BY ADDING A NEW SECTION 13.04, SUBD. 7 AS FOLLOWS:

**“Subd. 7. All hanging signs, awnings and other similar structures over streets and sidewalks so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.”**

14. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 8 TO BE SECTION 13.04, SUBD. 11.

15. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 9 TO BE SECTION 13.04, SUBD. 12.

16. BY DELETING THE RENUMBERED SECTION 13.04, SUBD. 9 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

**“Subd. 9. All open and unguarded pits, wells, inground pools, excavations or unused basements freely accessible from any public street, alley or sidewalk.”**

17. BY DELETING THE RENUMBERED SECTION 13.04, SUBD. 10 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

**“Subd. 10. Accumulations in the open of discarded or disused items including, but not limited to, machinery, household appliances, household furniture and flooring, any materials not designed for outdoor use, motor vehicle bodies or parts, tires, batteries, unused and/or discarded construction materials; accumulations of any materials in a manner conducive to the harboring of rats, mice, snakes, or vermin; or the rank growth of vegetation among the items so accumulated; or accumulations in a manner creating fire, health or safety hazards.”**

18. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 10 TO BE SECTION 13.04, SUBD. 13.

19. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 11 TO BE SECTION 13.04, SUBD. 14.

20. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 12 TO BE SECTION 13.04, SUBD. 15.

21. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 13 TO BE SECTION 13.04, SUBD. 16.

22. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 14 TO BE SECTION 13.04, SUBD. 17.

23. BY RENUMBERING EXISTING SECTION 13.04, SUBD. 15 TO BE SECTION 13.04, SUBD. 18.

24. BY DELETING THE EXISTING SECTION 13.06, SUBD. 2 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

**“Subd. 2. All vehicles on property within the City limits shall be currently licensed and in running order (operable condition) or properly licensed and stored as a collector vehicle. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 96 hours. No person shall leave any such vehicle on any property within the City for a longer time than 96 hours. Except, that this Section shall not apply to: (1) a vehicle in an enclosed building, or (2) a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, provided that such vehicle is located on the premises for a period of not longer than one year; or (3) a vehicle which has been placed by the City in an appropriate storage place or depository maintained in a lawful place and manner.”**

25. BY ADDING A NEW SECTION 13.06, SUBD. 3 AS FOLLOWS:

**“Subd. 3. Vehicles, trailers, and truck and/or van boxes are not approved accessory buildings as defined in Chapter 11 and shall not be used for storage of**

items that would typically be stored in an accessory building and also shall not be used for storage of garbage, trash, or junk items.”

26. BY DELETING THE EXISTING SECTION 13.09, SUBD. 1 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

“Subd. 1. Notice to Abate Nuisance – Authorized City personnel shall give written notice to any person maintaining a nuisance, or improperly storing firewood or junked vehicles as set forth in this ordinance, to abate such practice forthwith or within a designated time. If the owner or occupant of the premises on which such practice shall be situated shall neglect or refuse to remove or correct the same for the space of 24 hours after such notice is given or within the time specified in the notice, the owner shall, upon conviction, be penalized in accordance with the provisions of this ordinance and State Statutes, and be liable for the expense of removing such nuisance and the costs of prosecution.”

27. ALL OTHER PROVISIONS OF CHAPTER 13, ADOPTED AS ORDINANCE NO. 118, 2<sup>ND</sup> SERIES ON MARCH 19, 2002, SHALL REMAIN IN FULL FORCE AND EFFECT.

\*\*\*\*\*

**THE CITY COUNCIL OF THE CITY OF WINDOM FURTHER ORDAINS:**

**This ordinance shall be published in the COTTONWOOD COUNTY CITIZEN and shall be effective immediately upon publication.**

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 1st day of April, 2008.

\_\_\_\_\_  
Tom Riordan, Mayor

ATTEST:

\_\_\_\_\_  
Steven Nasby, City Administrator/Clerk-Treasurer

1<sup>st</sup> Reading: March 18, 2008  
2<sup>nd</sup> Reading: April 1, 2008  
Adoption: April 1, 2008  
Published: April 9, 2008

TITLE AND SUMMARY  
OF  
ORDINANCE NO. 130, 2<sup>ND</sup> SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, AMENDING CITY CODE CHAPTER 13, ENTITLED "PUBLIC NUISANCE", BY DELETING CERTAIN SECTIONS AND REPLACING THEM WITH AMENDED SECTIONS AND ADDING ADDITIONAL SECTIONS.

City Code Chapter 13 was created by Ordinance No. 118, 2<sup>nd</sup> Series which was adopted on March 19, 2002. Ordinance No. 130, 2<sup>nd</sup> Series makes minor changes to Chapter 13. The purposes of this ordinance are to incorporate items suggested by the League of Minnesota Cities, address issues which have arisen since the adoption of Chapter 13, and clarify existing sections. The changes to Chapter 13 are as follows:

**CHAPTER 13: "PUBLIC NUISANCE"**

**Amended Sections and New Sections:**

**Section 13.01: General** - Amended

**Section 13.02, Subd. 2, F: (Animals)** - Amended

**Section 13.02, Subd. 4: (Accumulations of Materials)** - Amended

Section 13.02, Subd. 11 Paragraphs 1 and 2 - Renumbered

**Section 13.02, Subd. 11, B: [Storage of Construction Materials (Residential)]** - New

**Section 13.02, Subd. 11, C: Solid Fuel** - New

**Section 13.04, Subd. 1: (Obstructions to Clear View of Roadways/Sidewalks)** – Amended

Section 13.04, Subd. 3 and Subd. 4 - Renumbered

**Section 13.04, Subd. 3: (Reflected Glare or Light)** - New

Section 13.04, Subd. 5, Subd. 6, Subd. 7, Subd. 8, Subd. 9, Subd. 10 - Renumbered

**Section 13.04, Subd. 5: (Fences)** - New

**Section 13.04, Subd. 7: (Structures Overhanging Streets and Sidewalks)** - New

**Section. 13.04, Subd. 9 – (Open and Unguarded Pits)** – Amended

**Section 13.04, Subd. 10 – (Accumulations of Discarded/Disused Items)** – Amended

Section 13.04, Subd. 11, Subd. 12, Subd. 13, Subd. 14, and Subd. 15 – Renumbered

**Section 13.06, Subd. 2 – (Vehicles)** – Amended

**Section 13.06, Subd. 3 – (Storage in Vehicles, Trailers, Truck/Van Boxes)** – New

**Section 13.09, Subd. 1 – Notice to Abate Nuisance** - Amended

All other provisions of Chapter 13, adopted as Ordinance No. 118, 2<sup>nd</sup> Series on March 19, 2002, shall remain in full force and effect.

---

**NOTICE:** A PRINTED COPY OF THE ENTIRE TEXT OF ORDINANCE NO. 130, 2<sup>ND</sup> SERIES AND A PRINTED COPY OF THE ENTIRE CHAPTER 13 "PUBLIC NUISANCE" ARE AVAILABLE FOR INSPECTION BY ANY PERSON AT:

Building & Zoning Office  
Windom City Hall  
444 9<sup>th</sup> Street  
Windom, MN 56101

During regular office hours (Monday through Friday from 8:00 a.m. to 5:00 p.m.)

AND AT: Windom Public Library  
904 4<sup>th</sup> Avenue  
Windom, MN 56101

During regular library hours: Monday – 10:00 a.m. to 9:00 p.m.  
Tuesday through Friday – 10:00 a.m. to 5:30 p.m.  
Saturday – 10:00 a.m. to 2:00 p.m.

---

ORDINANCE NO. 130, 2<sup>ND</sup> SERIES:

1<sup>st</sup> Reading: Windom City Council Meeting – March 18, 2008 – 7:15 p.m. (time approx.)  
2<sup>nd</sup> Reading: Windom City Council Meeting – April 1, 2008 – 7:15 p.m. (time approx.)  
Adoption: April 1, 2008  
Publication: April 9, 2008  
Effective Date: April 9, 2008

---

This “Title and Summary” approved for publication by the Windom City Council on April 1, 2008.

CITY OF WINDOM  
By Tom Riordan, Mayor

Attest: Steven Nasby, City Administrator/City Clerk



## City of Windom Staff Report

---

**To:** Mayor and City Council  
**From:** Aaron Backman, EDA Executive Director  
**Date:** March 26, 2008  
**Item Title/Subject:** EDA 2007 Annual Report

Pursuant to Minnesota Statutes, the EDA is required to provide a report of its activities for each calendar year.

The EDA Board of Commissioners has reviewed the 2007 Annual Report and has directed me to submit this report to the City Council.

Attached is the 2007 Annual Report of the Economic Development Authority of Windom for your review.

Should you have any questions, please do not hesitate to contact me. I will also be present at the April 1<sup>st</sup> City Council Meeting to answer any further questions you may have concerning the report.

Requested Action: Accept the EDA's 2007 Annual Report.

**Respectfully submitted,**

*Aaron A. Backman*

---

**Aaron A. Backman**  
**EDA Executive Director**

AAB:mah

Attachment

# ECONOMIC DEVELOPMENT AUTHORITY OF WINDOM

## 2007 ANNUAL REPORT

**TO: MAYOR AND CITY COUNCIL**

**FROM: AARON BACKMAN, EDA EXECUTIVE DIRECTOR**

**DATE: MARCH 27, 2008**

The year ending December 31, 2007, has been a very interesting and exciting year for the Economic Development Authority. George Howell began work as the new Executive Director on December 4, 2006, and left the employ of the City on February 16, 2007. The search for a new Executive Director then commenced again. The EDA Board served as the search committee and participated in all phases of the interview process. On May 23, 2007, Aaron Backman began work as the new EDA Executive Director.

The EDA officers were elected on January 8, 2007. The Members of the Authority during 2007 were:

President -	Juhl Erickson	(At-Large Member)
Vice President -	Nestor Palm	(At-Large Member)
Secretary/Treasurer -	Trevor Slette	(At-Large Member)
Commissioner -	Kirby Kruse	(City Council Representative)
Commissioner -	Bob Messer	(City Council Representative)
WADC Liaison -	Joel Luitjens	(Non-Voting Member)
Mayor (Council Liaison) -	Tom Riordan	(Non-Voting Member)

The Authority continued to work on projects begun in prior years. By consensus, the Authority approved the following list of priorities for 2007 (in no specific order):

- A. Hire an Executive Director;**
- B. Sell Lots 1 and 5, Block 2 of the Windom Industrial Park Subdivision;**
- C. Sell Lots in River Bluff Estates Subdivision;**
- D. Consult with the City Engineer concerning the requirements to place a business in the North Windom Industrial Park (prior to installation of proposed Phase I improvements);**
- E. Develop a plan to attract new businesses and reach out to existing businesses.**

HIRE AN EXECUTIVE DIRECTOR: The EDA Board participated in all phases of the hiring process. In April, 2007, Aaron Backman was hired as the new Executive Director and he began work on May 23, 2007.

SELL LOTS 1 AND 5, BLOCK 2 OF THE WINDOM INDUSTRIAL PARK SUBDIVISION: Lot 1 was sold to Ronald and Suzann Paplow in April, 2007. Lot 5 remains available for purchase by one or more businesses. As Lot 5 is one of the larger lots in this subdivision, the EDA Board considered a possible option for splitting this lot to accommodate smaller businesses should that need arise.

SELL LOTS IN RIVER BLUFF ESTATES SUBDIVISION: Construction of the EDA's spec home located at 345 Sixth Avenue was completed in August, 2002. Sale of the home was restricted by income guidelines required by the construction loan through Greater Minnesota Housing Fund (GMHF). In late December, 2006, the GMHF mortgage was refinanced with United Prairie Bank and the income restrictions on the sale of the property were removed. In

March, 2007, this home at 345 Sixth Avenue was sold and represented the 11<sup>th</sup> new home sale in this subdivision.

After two years of planning, by mid-December, 2007, all property owners and mortgagees in the Riverbluff Estates Subdivision had executed a modification of the subdivision's restrictive covenants. This modification allows the sale of unimproved lots without the restriction that a house must be placed on each lot. The modification of these covenants has opened the door for additional lot sales. Purchase offers for four lots were received in January, 2008.

CONSULT WITH THE CITY ENGINEER CONCERNING THE REQUIREMENTS TO PLACE A BUSINESS IN THE NORTH WINDOM INDUSTRIAL PARK (PRIOR TO INSTALLATION OF PROPOSED PHASE I IMPROVEMENTS): The Board met with the City Engineer and City Electric and Water Superintendents in April, 2007. Contacts have also been made to South Central Electric and Red Rock Rural Water. This information will serve as the groundwork in planning development as business prospects are solicited for the north industrial park.

DEVELOP A PLAN TO ATTRACT NEW BUSINESSES AND REACH OUT TO EXISTING BUSINESSES: During 2007 Executive Director Aaron Backman has been active in reaching out to existing businesses and continues this outreach in 2008. He has also made contacts and visited several business prospects during 2007. The EDA's Strategic Marketing Plan was adopted in the Spring of 2006. Among the suggested actions items in this plan was a direct marketing campaign. In December of 2007, the EDA Board authorized the hiring of 3D Strategies to assist with this campaign. Their focus is to compile a database of potential business prospects and assist with follow-up calling and scheduling of appointments. In January, 2008, they presented the database to the EDA and the EDA sent letters to 607 potential business prospects. Follow-up meetings with prospects have been scheduled beginning in February and will continue into March, 2008.

In early 2007, the EDA also discussed new signage and the possibility of creating marketing brochures. On July 31, 2007, a For Sale/Lease sign was installed at the Spec Building. In the Summer of 2007, the EDA Board approved the rental of a new billboard sign on Highway 60 (between Fortune Transportation and the tower) for the purpose of marketing Windom to business prospects, developers and other travelers from western Minnesota, western Iowa, and South Dakota. In February, 2008, installation of an electronic community events sign was completed and the sign began operation the last week of February. The EDA was one of the catalysts in the steps leading to the purchase and installation of the sign. The EDA was also one of eight organizations that contributed towards the sign's purchase. The sign is owned by the Windom CVB, operated by the Chamber, and will benefit many organizations in the community. Also in 2007, the EDA Board approved the construction of a double-faced marketing sign for the North Windom Industrial Park. Installation of this sign is expected to be completed by late March, 2008. Proposals for additional signage and the creation of marketing brochures will be items submitted for the EDA Board's consideration in 2008.

The EDA has continued to work on goals and priorities set in previous years. Progress on these goals has been made in 2007 and early 2008:

Marketing – Business Development Opportunities in North Windom Industrial Park: Contacts to business prospects began in 2007. With the assistance of 3D Strategies, an extensive marketing campaign began in January, 2008, and will be pursued throughout 2008.

Installation of a marketing sign on the property should be completed in March, 2008. Plans for additional billboards marketing Windom are on the drawing board for 2008.

Redefine Master Plan for River Bend Center: In September, 2007, the sale of Parcel 1 of River Bend Center to River Bend Development, L.L.C. was completed. The day following closing, construction of the four-office medical plaza began. Spaces in the plaza will be occupied by Sanford Medical (aka Glick Clinic), Sanford Home Medical Equipment/Hospice, Lewis Family Drug, and an independent orthodontist. The first two tenants opened their doors to patients and customers in the River Bend Center in March, 2008.

Spec Building – Lease or Sale: During 2007, the spec building was shown to various prospects. In December, 2007, a listing agreement was entered into with Neil Schmid of Cirrus Commercial--a commercial real estate agency. In 2008, the marketing campaign will highlight EDA properties for sale/lease, including the spec building.

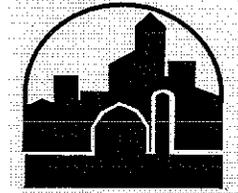
Commercial Rehab Loan Program: Windom has been the fortunate recipient of three SCDP grants. The last two grants also included a commercial rehab program in which businesses contributed one-third of the cost of their projects and the remainder was in the form of SCDP loans. Beginning in 2000, the loan participants began making repayments to the EDA on these loans. In 2007, the EDA Board authorized the use of these loan repayments in a new cycle of commercial rehab loans thus benefitting existing businesses by promoting health/life/safety upgrades. It is estimated that 8 to 10 local businesses will benefit from this program.

Debt Reduction: The sale of Parcel 1 of the River Bend Center property and the lot in the Windom Industrial Park, together with receipt of revolving loan fund repayments, provided the EDA with funds to use for projects, including debt reduction. The construction loan on one of the EDA's model homes was paid off and the other spec home loan was refinanced. The purchase money mortgage on the industrial park property was paid off and a substantial principal payment was made on the spec building loan.

In 2008, the EDA is looking forward to more progress in the economic development realm for the benefit of the citizens of Windom and the surrounding area.

mh

# MEMORANDUM



**CITY OF WINDOM**  
444 9th Street  
Windom, MN 56101  
Phone: 507-831-6129  
Fax: 507-831-6127  
[www.windom-mn.com](http://www.windom-mn.com)

**TO:** City Council

**FROM:** Personnel Committee

**DATE:** March 26, 2008

**RE:** Recommendations on Compensation & Classification Study and Part-time, Seasonal Pay

Over the last year the Personnel Committee and City Council has had several requests to review compensation issues. Due to these issues and others, the Personnel Committee has been discussing the possibility of commissioning a formal classification and compensation study. A Request for Proposals (RFP) for a Classification and Compensation Study was completed and three proposals were received. The three proposals ranged in cost from just under \$16,000 to \$32,000. While each of the RFPs were responsive to our needs there are different features and details of work that each would provide, which is the difference in the cost. The least cost option performs a basic Classification and Compensation Study, but does not include updates of job descriptions, etc. If job description updates were sought within the least cost proposal the extra expenses would be billed at a rate of \$185\hour. The most expensive study appears to include updated job descriptions as part of the proposal and it offers a firm price contract without any additions for other billed costs such as mileage, meals, etc. On March 25<sup>th</sup> the Personnel Committee met to review the RFPs. The recommendation of the Personnel Committee is to engage Fox Lawson & Associates LLC for all five tasks highlighted on page 36 for all City employees. A copy of Fox Lawson & Associates LLC proposal to the City of Windom is included in this packet for your review and information. The cost of this study is \$32,000. The cost of the study is approximately \$600 per full-time equivalent (FTE) employee and would be billed back to all of the City's departments based on their number of FTEs.

The Personnel Committee also discussed the establishment of wage rates for part-time, seasonal employees. These positions are typically life guards and seasonal park help. Due to the changes in the minimum wage laws the pay scales for these employees needed to be adjusted. The Personnel Committee is recommending that the setting and adjustment of part-time, seasonal wages be left to the determination of the City Administrator.

If you have any questions about these items please feel free to contact members of the Personnel Committee or Steve Nasby at 831-6129 or via e-mail at [snasby@windom-mn.com](mailto:snasby@windom-mn.com).

# FIA



## **City of Windom, MN**

### **Proposal for the Classification and Compensation System**



**FOX LAWSON & ASSOCIATES, LLC**  
COMPENSATION AND HUMAN RESOURCES SPECIALISTS

**March 7, 2008**



**FOX LAWSON & ASSOCIATES LLC**  
COMPENSATION AND HUMAN RESOURCES SPECIALISTS

1335 County Road D, Circle East  
St. Paul, MN 55109-5260  
Phone 651-635-0976  
Fax 651-635-0980  
www.foxlawson.com

March 7, 2008

Mr. Steve Nasby  
City Administrator  
The City of Windom  
444 9<sup>th</sup> Street, P.O. Box 38  
Windom, MN 56101

**Re: Proposal for Position Classification and Compensation System**

Ladies and Gentlemen:

In response to your request, Fox Lawson & Associates, LLC (FLA) is pleased to submit our proposal to assist the City of Windom (City) in reviewing and updating its classification and compensation systems covering approximately 60 employees.

We believe a review of our proposal will demonstrate several characteristics that will be advantageous to the City, including:

- We specialize in classification and compensation studies, which is the type of study requested by the City.
- Our staff has proven themselves as compensation professionals not only by experience, but also through the attainment of the CCP (Certified Compensation Professional) designation from WorldatWork and specialized degrees in HR Management/Industrial Relations.
- Our firm's smaller organizational structure and partner interaction allows our firm to provide the City with senior level consultants who have the experience to guide you through this assignment to a successful conclusion.
- Our project team has worked together on over one hundred similar consulting engagements and we have worked with some of the largest government organizations in the country.
- We take the time to understand your needs and our partners and consultants are available to lead you in all phases of the project.
- We have the technical experience, as well as sensitivity to the significant impact of classification, job evaluation, performance management, and compensation decisions to ensure results are appropriate for your organization.



Our proposed approach is designed to provide the City with work products that are tailored to your needs and takes advantage of the knowledge regarding job content that exists within the City. We have prepared a complete and thorough work plan so that nothing is left out and important elements crucial to the success of the project are not overlooked; this will add credibility to the study.

We believe we are highly qualified to assist you in conducting this sensitive and critical study. We have performed studies with these identical specifications for all sizes of governmental organizations. Our commitment to cities, as well as the public sector in general, is well established and we encourage you to contact other organizations that the members of our firm are currently assisting or have recently assisted. We pride ourselves on offering our clients a level of customer service and quality work product that exceeds our competitors. While we are flexible and are open to modifications to the proposed workplan should we have over or underestimated your needs, we believe our approach is tailored to your requirements and we will be able to achieve your objectives for this project.

Our clients will attest to our ability to:

- Manage complex classification, compensation, and change assignments.
- Work with you as a team – we serve as mentors and technical experts to make sure things go right.
- Deliver projects that meet the individual and unique needs of our clients for the future; we don't simply reorganize what you already have.
- Meet project timelines and budgets.

We appreciate having the opportunity to submit this proposal and look forward to assisting the City in conducting this study. Should you need any additional information or have questions regarding our proposal, please call me at (651) 635-0976, extension 12.

Company Name	Fox Lawson & Associates LLC
Contact Person	James C. Fox, Ph.D.
Business Address	1135 County Road D Circle East St. Paul, MN 55109
Telephone Number	(651) 635-0976, extension 12
Fax Number	(651) 635-0980
Email Address	<a href="mailto:jfox@foxlawson.com">jfox@foxlawson.com</a>
Authorized Signature	see below

Sincerely,



James C. Fox, Ph.D.  
Chair and CEO



## **TABLE OF CONTENTS**

---

Cover Letter	1
Table of Contents	3
Firm Information and Description	4
Personnel	8
References	16
Understanding of Needs	21
Work Plan	22
Study Schedule	35
Study Cost	36

### **Attachments**

Sample Position Description Questionnaire

Sample Job Description

Sample Compensation and Classification Policies

CompDoctor article 01/07, "Undertaking a Comprehensive Review of Classification & Compensation Systems"

"Job Descriptions: A Format You Can Use," Fox Lawson & Associates LLC Newsletter.

## FIRM INFORMATION AND DESCRIPTION

Our firm has been in business since 1981, beginning as the public sector compensation consulting practice at Arthur Young & Company. In 1989, Arthur Young merged with Ernst & Whinney to become Ernst & Young. In January 1995, Ernst & Young elected to withdraw from the public sector marketplace and sold its public sector compensation consulting practice to Fox Lawson & Associates LLC. Fox Lawson was organized as a limited liability corporation in the state of Minnesota in January 1995, and by sale agreement with Ernst & Young, is the successor firm to Ernst & Young LLP's public sector compensation and human resources consulting practice.

The two partners of the firm, James Fox and Bruce Lawson, have worked together and were responsible for all engagements of Ernst & Young's Public Sector Compensation & Human Resources Consulting Practice for more than thirteen years prior to forming Fox Lawson & Associates LLC. Since its establishment, FLA has more than doubled the business it started with from Ernst & Young and continues to provide the technical expertise and know how commonly associated with larger firms and the innovative customer service and flexibility typically experienced with smaller firms. We are a full-service firm.

We serve our clients nationally, from two offices located at:

<b>MINNESOTA</b>	<b>ARIZONA</b>
1335 County Road D Circle East Saint Paul, MN 55109-5260 <b>Phone:</b> (651) 635-0976 <b>Fax:</b> (651) 635-0980 Partner: James Fox, Ph.D., IPMA-CP	PO Box 32985 Phoenix, AZ 85064-2985 <b>Phone:</b> (602) 840-1070 <b>Fax:</b> (602) 840-1071 Partner: Bruce Lawson, CCP, IPMA-CP

We are guided by the following principles:

### **FLA MISSION**

To build a company that clients seek when they want to align their compensation, benefits, and human resources systems to their business strategy.

### **FLA VISION**

To provide a level of client satisfaction and technical competence that exceeds our competitors.

### **FLA VALUES**

The professional principles of integrity, quality, communication, and work ethic will lead our firm.

FLA employs individuals who embrace these elements of our firm. Furthermore, our consultants are not contractors, they are full-time employees. Thus, they have a direct line of sight to our firm's operations. They hold professional certifications, achievements, and degrees from various professional organizations and universities.



We serve our clients nationally on a variety of classification, compensation, and human resources issues. Areas of professional assistance include:

- Classification and Compensation Studies
- Organizational Change Management
- Performance Planning and Evaluation
- Human Resources Planning and Audits
- Executive Compensation Planning
- Human Resources Re-engineering

While we have a broad understanding of human resources systems, our firm primarily specializes in classification and compensation studies. These studies typically include: developing new classification structures and job descriptions, evaluating jobs with a job evaluation methodology to determine the internal equity, conducting a custom tailored salary survey, developing a competitive pay system, recommending strategies to implement the new compensation structure, and ensuring appropriate administrative and procedural guidelines are in place to maintain the system. These studies ensure that our clients are in compliance with applicable laws and regulations, such as the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO) standards and have pay systems that are appropriate for their organization and market strategy.

Over the past thirteen years, our partners and staff have served more than 1,000 public sector clients. Given the number of related projects we have completed, we have included a sampling of references that demonstrates our experience in conducting engagements for public sector organizations. Contact names and phone numbers are listed for each project. These projects are relevant in demonstrating our ability to meet the needs of the City and show considerable experience in developing compensation programs for cities, as well as other governmental organizations. Our references can attest to the timeliness, quality, and responsiveness of the services we provide, as well as our knowledge of legal issues, such as the ADA and FLSA, our understanding of job classifications, and our skill and ability in dealing with public organizations and sensitive personnel issues.

Below are a few key points and some of the services we would like to highlight about our firm.

#### **JOB EVALUATION**

Our staff has been instrumental in developing and applying job evaluation methodologies to better meet our clients' needs in changing environments. Because no single method of job evaluation fits the needs of all clients, we offer a "family" of job evaluation methods, including the Decision Band™ Method; Flex/Point™, a point factor plan; and JFACS™, an automated job evaluation system which uses a scored questionnaire. In addition to these job evaluation methods, our firm is experienced in fine tuning various job evaluation methods by updating the language and/or the mathematical weighting schemes behind various job evaluation systems to ensure they are free of bias and are valid and reliable.



### **SALARY DATABASE**

FLA conducts about 50-60 custom compensation and benefit surveys throughout the country each year. From these surveys, we have developed an extensive database of salary information for government systems. This database contains information for 97 benchmarks (jobs that are common to most organizations), in 29 different job families. It encompasses nine different types of public sector entities of varying size and geographic location. Each benchmark within our database has been evaluated with our own proprietary job evaluation method. If we have your title and job evaluation rating we are able to reference comparable market data for your organization. We have found this database to be a valuable resource for obtaining either a single market figure for an individual job, or to supplement any data collected by a custom salary survey.

### **STATE OF THE ART CLASSIFICATION AND COMPENSATION SOFTWARE**

Our firm has continually utilized software and other automated tools to streamline the process and procedures involved in developing and maintaining classification and compensation systems. The compensation planning software that we utilize, Comp Manager™, has been installed in hundreds of organizations. Our automated job evaluation tool, JFACS, has served as the objective basis for classification and compensation designs for some of the largest government organizations in the country for nearly 20 years. We also have a strategic partnership with Link HR Systems, Inc. in working with automated compensation and job evaluation software.

### **INDUSTRY ASSOCIATIONS**

We also have a strategic alliance with the International Public Management Association for Human Resources (IPMA - HR), the National Public Employers Labor Relations Association (NPELRA), and the Colleges and Universities Professional Association for Human Resources (CUPA - HR) and have conducted a series of training seminars/workshops on compensation, classification, job evaluation, and employee benefits management throughout the nation in conjunction with these organizations.

### **CLIENT SERVICE**

In a survey conducted in 1998-99 of clients that we have served in the past five years, the independent firm Dun & Bradstreet found that the quality of services Fox Lawson & Associates delivered to its clients exceeded the services delivered by nearly 90 other consulting firms it competes with, many firms which are large, well-known, national firms. The factors rated included cost, timeliness, quality, responsiveness to problems, technical support, quantity delivered verses quantity requested, and the attitude of personnel.

### **INDUSTRY LEADERSHIP**

The consultants of Fox Lawson & Associates LLC have demonstrated leadership in the field of compensation. Each member of FLA has obtained or working towards their CCP or teaches courses through WorldatWork, including Job Analysis and Evaluation, Performance Management, Broad Banding, and Variable Pay seminars at WorldatWork or through the International Public Management Association for Human Resources (IPMA-HR).



### **NUMEROUS PRESENTATIONS**

We have been featured speakers at every IPMA-HR national conference for the past 20 years. We also have been featured speakers at every NPELRA (a public sector labor relations organization) national conference for the past 10 years. We are also often asked to speak at regional and national CUPA and SHRM conferences.

### **PUBLISHED ARTICLES**

We publish a quarterly newsletter, "FLA Solutions," for clients on key topics affecting the public sector. Previous articles have included discussions on alternative rewards, such as skill or competency based pay, best practices in salary administration, and the Sherman Antitrust Act, as well as several other progressive topics in the public sector. We write a quarterly compensation answer column called CompDoctor™ for the IPMA news. We also have published articles in the American City and County, Public Management, Corporate Report Ventures, Corporate Board Member, and Benefits Planner. We encourage you to access many of these articles through our website at [www.foxlawson.com](http://www.foxlawson.com).

### **CLIENT EXPECTATIONS**

Fox Lawson & Associates LLC takes pride in fulfilling and exceeding our clients' expectations. To ensure that we are accomplishing this, we distribute client satisfaction feedback surveys on a monthly basis. These surveys provide valuable feedback regarding our performance on projects and the level of satisfaction of our clients. Below are some of the comments we consistently receive from our clients.

#### **Customer Service and Follow-Up**

"FLA is very responsive to their clients' questions and immediate needs; if there is a question, it is answered quickly and in words we understand." - *Lucy Gangone, Assoc. Librarian for Admin. Svcs., Hartford Public Library.*

#### **Teaching, Feedback & Guidance**

"FLA does an excellent job walking their clients through the project; they teach 'classification and compensation 101' and they move up to advanced courses when we are ready." - *Charles Klein, HR Director, City of Bismarck, ND.*

#### **Flexible**

"FLA is willing to work around their clients' schedules, and ensure project deadlines are met." - *Mary Lou Rizzo, Director of Personnel Division, Miami-Dade County, FL*

#### **Professional**

"FLA is very professional, knowledgeable, and accommodating in handling their clients' questions and concerns." - *Mara Cook, HR Manager, Atlanta Regional Commission.*

#### **Analytic Ability & Data Quality**

"FLA analyzes data in a manner that is easy to understand and provides data that is credible and valid." - *Elva LeBlanc, President, Galveston College, TX.*



## PERSONNEL

---

### **Project Staffing**

---

There are five critical concerns that must be addressed in organizing, staffing, and managing this project:

- Communications must be open and maintained with employees and management;
- The consultants must be capable of securing high levels of acceptance from employees and City management, which is demonstrated through experience, professionalism, and quality work product;
- Work must be carefully planned and efficiently performed to meet your objectives and ensure all areas are addressed;
- The consulting team must be able to address the concerns of the City, managers and supervisors, and affected employees;
- The team must have the proper mix of project management skills, technical expertise, and public sector experience.

We have carefully considered these needs and have proposed a project team that is designed to address these areas and facilitate successful project completion.

Services to the City will be under the direction of:

**JAMES C. FOX, a Partner and Chairman** of the firm. He has been conducting classification and compensation studies for more than 25 years. Prior to forming the firm, Dr. Fox was a Partner in the firm of Ernst & Young LLP and headed up the firm's regional compensation practice and had national responsibility for the public sector compensation practice. Dr. Fox will be responsible for all activities and project deliverables of the project.

In addition to Dr. Fox, your project team will include the following members:

**HEIDI NELSON, CCP - Senior Consultant** - Ms. Nelson will be responsible for coordinating the compensation activities during this study. Ms. Nelson has been with our firm for 13 years, was with Ernst & Young for six years prior to joining Fox Lawson & Associates, LLC, and has assisted hundreds of clients.

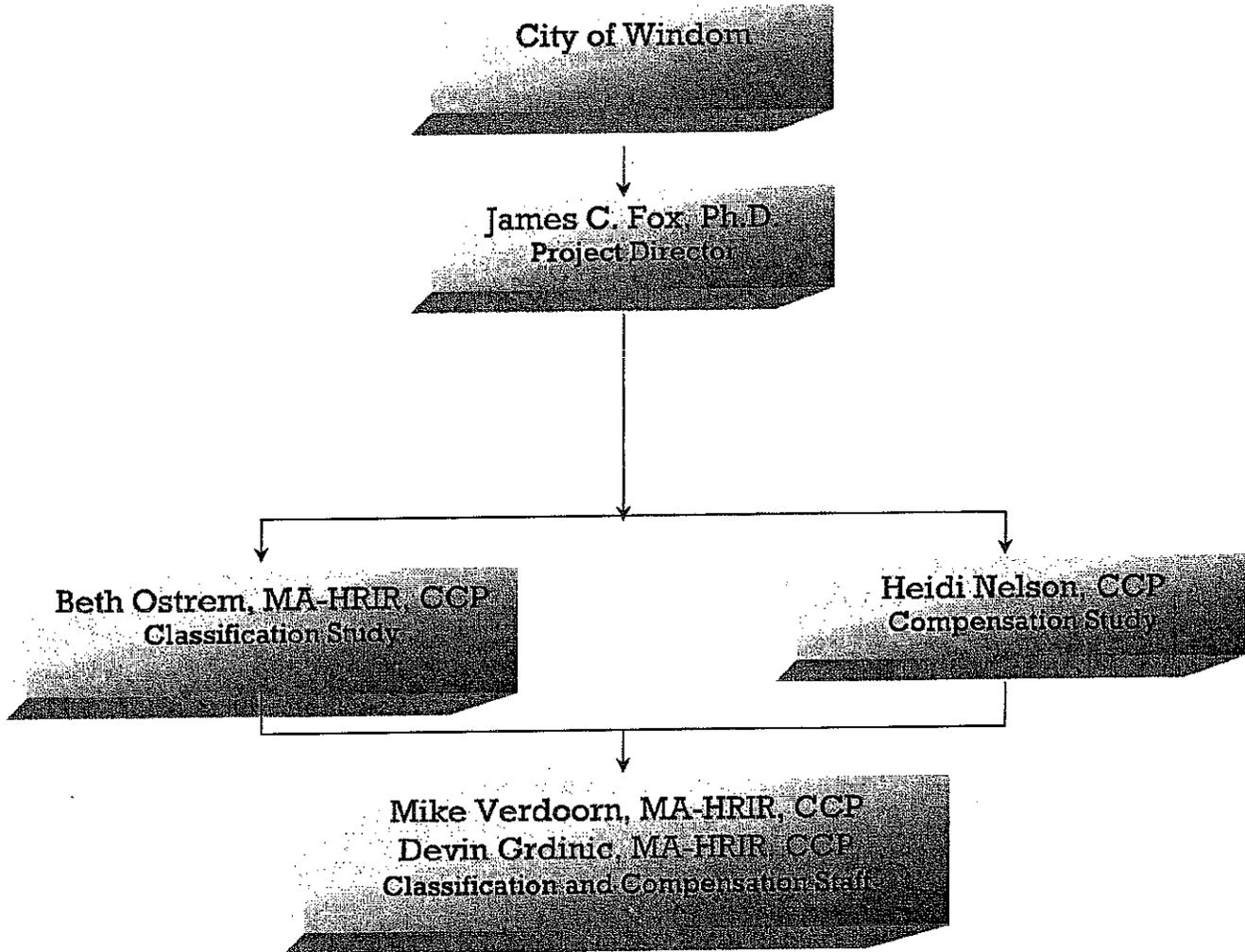
**BETH OSTREM, MA-HRIR, CCP – Senior Consultant** – Ms. Ostrem will provide staff support during the classification and compensation activities of this study. Ms. Ostrem is a former Human Resources Director for a non-profit organization, has a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota, and has received her CCP certification.

**MIKE VERDOORN, MA-HRIR, CCP - Consultant** – Mr. Verdoorn will provide staff support during the classification and compensation activities of this study. Mr. Verdoorn is a graduate of the University of Minnesota graduate school with a master's degree in human resources and industrial relations. He worked at Imation Corporation as a compensation analyst before joining Fox Lawson & Associates, LLC.

**DEVIN GRDINIC, MA-HRIR, CCP - Consultant** – Mr. Grdinic will provide staff support during the classification and compensation activities of this study. Mr. Grdinic holds a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota and has received his CCP certification.

## Organizational Chart

---



## Resumes

---

Project team resumes are listed on the following pages.

**JAMES C. FOX, Ph.D.**  
**Chairman - Project Director**

---

**EXPERIENCE**

Dr. Fox is a Partner of the firm and serves as Fox Lawson & Associate LLC's Chairman. In this capacity, he is responsible for all consulting activities in the areas of personnel management, job evaluation and compensation, organization and management analysis, survey research, and firm quality control. His role in this consulting team will consist of initiating the project, overseeing operations between FLA and the District, and reviewing all project deliverables.

Prior to forming the firm, Dr. Fox was a Partner in the firm of Ernst & Young LLP and headed up the firm's regional compensation practice and had national responsibility for public sector compensation consulting.

Dr. Fox has assisted hundreds of public and private sector organizations with their classification and compensation needs.

**CLIENTS**

<b>PUBLIC SECTOR</b>	<b>PRIVATE SECTOR</b>
City of Three Rivers Park, MN	Cima Labs
City of Thief River Falls, MN	Valspar
City of Jackson, MN	Michael Foods, Inc.
City of North Branch, MN	Reehl Precision Manufacturing
Hennepin County, MN	MedSource Technologies
City of Farmington, MN	Micro Dynamics

**EDUCATION AND ACHIEVEMENTS**

Dr. Fox holds both M.A. and Ph.D. degrees in Sociology from the University of Minnesota. He has nineteen years of consulting experience in personnel with public-sector organizations. Dr. Fox has been an instructor at Metropolitan State University and the University of Minnesota, and has been a guest lecturer at regional conferences and meetings. He has served on the Board of Director's Marketing Committee of the Wells Fargo Bank of St. Paul. He is a member of the Society of Human Resource Management, WorldatWork, where he is on the faculty, and was the Professional Development Coordinator of the Compensation Council of the Twin Cities Personnel Association. In addition, Dr. Fox authored a monthly compensation article in "Ventures" magazine, called the CompDoctor. Dr. Fox is the chair of the Human Resources committee of the Indianhead Council of the Boy Scouts and is the Board Chair of Project Pathfinder, a social services organization.

**HEIDI NELSON, CCP, CBP**  
**Senior Consultant**

---

**EXPERIENCE**

Ms. Nelson is a senior consultant in our compensation consulting practice. She is responsible for assisting clients in conducting classification and compensation studies. Her role in the consulting team will be to coordinate the compensation study.

Ms. Nelson has been a consultant in our firm for 13 years and has over 18 years of compensation consulting experience and has assisted hundreds of organizations with their classification and compensation needs.

**CLIENTS**

<b>PUBLIC SECTOR</b>	<b>PRIVATE SECTOR</b>
City of Eden Prairie, MN	Cretex Companies
Hennepin County, MN	Michael Foods
University of Minnesota	Lake Region Manufacturing
Scott County, MN	Space Center Enterprises
City of Minnetonka, MN	Valspar Corporation
City of Farmington, MN	CIMA Labs

**EDUCATION AND ACHIEVEMENTS**

Ms. Nelson attended the University of Minnesota specializing in Business Management and has completed continuing education coursework in Industrial Relations, Methodology and Design of Salary Surveys, and Compensation Administration. Ms. Nelson is a member of WorldatWork (formerly American Compensation Association), and holds the Certified Compensation Professional and Certified Benefits Professional designations from that organization.

**BETH OSTREM, MA-HRIR, CCP**  
*Senior Consultant*

---

**EXPERIENCE**

Ms. Ostrem is a senior consultant in our compensation and human resources management consulting practice. She is a former Human Resources Director for a non-profit organization and has over 12 years of human resources experience in both for-profit and not-for-profit organizations. She is responsible for assisting clients in conducting classification and compensation studies.

**RELATED CLIENTS**

<b>PUBLIC SECTOR</b>	
University of Minnesota	City of Lake Havasu, AZ
Glencoe-Silver Lake Public Schools, MN	Sartell-St. Stephens Public Schools, MN
Kent County, MI	City/County of Butte-Silver Bow, MT
Coconino Community College, AZ	Polk County, WI
Commonwealth of Virginia	State of Wyoming

**EDUCATION AND ACHIEVEMENTS**

Ms. Ostrem has a Bachelor of Arts Degree in Political Science from Luther College and a Master's Degree in Human Resources and Industrial Relations (MA-HRIR) from the University of Minnesota. She is a member of WorldatWork and has earned her CCP certification.

**MIKE VERDOORN, MA-HRIR, CCP**

**Consultant**

---

**EXPERIENCE**

Mr. Verdoorn is a consultant in our compensation and human resources management consulting practice. He is responsible for providing staff support in job analysis and compensation analysis.

**CLIENTS**

<b>PUBLIC SECTOR</b>	
City of Jackson, MN	West St. Paul Public Schools #197, MN
St. Paul Public Housing, MN	Hennepin County, MN
City of Fergus Falls, MN	City of Maplewood, MN
City of North Branch, MN	City of Thief River Falls, MN
City of Eden Prairie, MN	Blue Earth County, MN
City of Farmington, MN	Mille Lacs County, MN

**EDUCATION AND ACHIEVEMENTS**

Mr. Verdoorn has a Bachelor of Arts degree in History from the University of Minnesota and a Master's degree in Human Resources and Industrial Relations (MA-HRIR) from the University of Minnesota. Mr. Verdoorn is a member of WorldatWork and has earned his CCP certification.

**DEVIN GRDINIC, MA-HRIR, CCP**  
*Consultant*

---

**EXPERIENCE**

Mr. Grdinic is a consultant in our compensation and human resources management consulting practice. He is responsible for providing staff support in job analysis and compensation analysis.

**RELATED CLIENTS**

<b>PUBLIC SECTOR</b>	
St. Louis County, MN Alamo Community College District, TX Utah Trust Lands Administration, UT	Elk Grove Unified School District, CA Harrisburg Community College, PA

**EDUCATION AND ACHIEVEMENTS**

Mr. Grdinic has a Bachelor of Arts Degree in Sociology and a Master's Degree in Human Resources and Industrial Relations (MA-HRIR) from the University of Minnesota, MN. He is a member of WorldatWork and has earned his CCP certification.

## REFERENCES

---

Our partners and staff have assisted several hundred public sector clients. These projects have included from less than one hundred, to thousands of employees. Below are a sampling of clients we have assisted with similar needs. Contact names and phone numbers are listed for each project. These projects are relevant in demonstrating our ability to meet the needs of the City and show considerable experience developing classification and compensation systems. Our references will attest to the timeliness, quality, and responsiveness of services we provide, as well as our knowledge of legal issues such as the ADA, EEO, and the FLSA, the classifications under study, and our skill and ability of dealing with organizations of your size and needs.

### **Current and Previous Clients**

---

#### **CITY OF FERGUS FALLS, MN**

We conducted a job evaluation and salary survey for the City. We have continued to provide ongoing assistance to the City regarding compensation and job evaluation needs. *Ms. Brenda Cossette, HR Director, 218-332-5440.*

#### **CITY OF THIEF RIVER FALLS, MN**

We conducted a classification and compensation study for this city and have maintained the system for the past 10 years. *Mr. Roger Delap, City Administrator, 218-681-2943 (retired). Jodi Torkelson, City Administrator, 218-681-2943.*

#### **CITY OF EDEN PRAIRIE, MN**

We completed a classification and compensation study covering 265 employees. Our services included a review of the City's jobs and current classifications, the installation of a new job evaluation system and a salary survey. *Karen Kurt, HR Manager, 952-949-8437.*

#### **CITY OF FARMINGTON, MN**

We conducted a classification and compensation study. The study included installing a new job evaluation system, performing a custom salary survey, and developing a new salary structure. We continue to provide job evaluation support for the City. *Brenda Wendlandt, Human Resources Director, 651-463-1806.*

#### **CITY OF JACKSON, MN**

We recently conducted a classification and compensation study in 2005-2006. The study included updating the job descriptions and salary structure. We continue to provide job evaluation support for the City. *Mr. Dean Albrecht, City Administrator, 507-847-4410.*



#### **CITY OF NORTH BRANCH, MN**

We conducted a classification and compensation study for this City, and installed new job descriptions, a new salary schedule and procedures. We have also developed a performance evaluation process to move employees through the range. We continue to provide job evaluation support for the City. *Bridgette Konrad, City Administrator, (651) 674-8113.*

#### **HENNEPIN COUNTY, MN**

In 1984, we were engaged to conduct a comprehensive job evaluation study of the County's jobs in order to comply with the Minnesota Local Government Pay Equity Act. We installed the JFACS method, an automated job evaluation system that we developed for the State of New York (JFACS is still being used by the State of New York to classify its 190,000 employees). We have been retained each year since the installation to maintain the system for the County by reviewing classification requests, evaluation of new and revised jobs, and for maintenance of the County's compliance with the State's Pay Act equity requirements. *Todd Olness, Compensation Analyst, 612-596-7849.*

#### **UNIVERSITY OF MINNESOTA**

Several projects have been conducted for the University of Minnesota from 1984 until 1997. One included installing a new classification and compensation system for the University Hospitals and Clinics, the second involved developing a compensation program to comply with Title 9 for the athletic coaches, and finally a project was completed that developed a new compensation model for the faculty of the Academic Health Center. We are currently conducting a classification and compensation study for finance jobs at the University. *Lori Bonine, Compensation Analyst, 612-624-5714.*

#### **DAKOTA COUNTY, MN**

We continue to assist the County with its classification and compensation needs since we installed the Decision Band Method of evaluation in 1986. We offer assistance in job evaluation training, job classification reviews, job evaluation appeals, and provide technical assistance in job evaluation applications. *Will Volk, Director of Employee Relations, (651) 438-4422.*

#### **SCOTT COUNTY, MN**

We have provided continuing assistance to this county for the past 10 years. Currently we are conducting classification reviews and job evaluation reviews for selected jobs in the county's social service department. *Pam Johnson, Assistant Director of Employee Relations, 952-496-8703.*



**OTHER RELATED LOCAL/REGIONAL CLIENTS**

- Blue Earth County, MN
- Becker County, MN
- Macalester College, MN
- Hamline University, MN
- Olmsted County, MN
- Minnesota Supreme Court
- Mille Lacs County, MN
- Chaska Public Schools

**A listing of other cities we have provided services to is provided on the follow pages**

<b>CITIES</b>	
Ann Arbor, MI, City of	Mandan, ND, City of
Arlington, MN, City of	Mason City, IA, City of
Asheville, NC, City of	Medford, OR, City of
Ashland, OR, City of	Mercer Island, WA, City of
Atlanta Traffic Court, GA	Mesa, AZ, City of
Barnesville, MN, City of	Mill Creek, WA, City of
Bellingham, WA, City of	Missoula, MT, City of
Beverly Hills, CA, City of	Montrose, CO, City of
Billings, MT, City of	Mount Pleasant, MI, City of
Bismarck, ND, City of	Mountain View, CA, City of
Burlington, IA, City of	Murray City Corporation, UT
Carlsbad, CA, City of	Newcastle, WA, City of
Carson, CA, City of	North Branch, MN, City of
Cave Creek, AZ, Town of	North Lauderdale, FL, City of
College Station, TX, City of	Northfield, MN, City of
Colorado Springs Attorney's Office, CO	Oceanside, CA, City of
Colorado Springs, CO, City of	Paradise Valley, AZ, Town of
Concord, NC, City of	Pella, IA, City of
Cumberland, MD, City of	Peoria, AZ, City of
Dallas, TX, City of	Phoenix, AZ, City of
Danville, VA	Plymouth, MN, City of
Davis, CA, City of	Prescott, AZ, City of
Des Plaines, IL, City of	Pulaski, VA, Town of
Dickinson, ND, City of	Queen Creek, AZ, Town of
District of Columbia Government	Rancho Cucamonga, CA, City of
Durham, NC, City of	Redmond, WA, City of
Encinitas, CA, City of	Richland, WA, City of
Fargo, ND, City of	Riverside, CA, City of
Farmington, MN, City of	Roanoke, VA, City of
Fayetteville, NC, City of	Rochester, MN, City of
Fergus Falls, MN, City of	Roseburg, OR, City of
Flagstaff, AZ, City of	Sacramento, CA, City of
Fremont, CA, City of	San Clemente, CA, City of
Fresno, CA, City of	San Francisco, CA, City of
Ft. Lauderdale, FL, City of	San Jose, CA, City of
Glen Ellyn, IL, Village of	San Ramon, CA, City of
Goodyear, AZ, City of	Santa Ana, CA, City of
Grand Forks, ND, City of	Santa Cruz, CA, City of

<b>CITIES (continued)</b>	
Greensboro, NC, City of	Schaumburg, IL, Village of
Hamilton, OH, City of	Scottsdale, AZ, City of
Hanford, CA, City of	Seattle, WA, City of
Hartford, CT, City of	Shakopee, MN, City of
Healdsburg, CA, City of	Sheboygan Falls, WI, City of
Hercules, CA, City of	Sioux City, IA, City of
Hilton Head, SC, Town of	Sioux Falls, SD, City of
Huber Heights, OH, City of	Solano Beach, CA, City of
Huron, SD, city of	Surprise, AZ, City of
Issaquah, WA, City of	Tacoma, WA, City of
Jackson, MN, City of	Thief River Falls, MN, City of
Kalamazoo, MI, City of	Tucson, AZ, City of
Kalispell, MT, City of	Tukwila, WA, City of
Kansas City, MO, City of	Upper Arlington, OH, City of
Kennewick, WA, City of	Valley City, ND, City of
Kingman, AZ, City of	Walnut Creek, CA, City of
Kirkland, WA, City of	Washington DC, City of
Lake Havasu City, AZ, City of	West Fargo, ND, City of
Lake Oswego, OR, City of	West Hollywood, CA, City of
Lakewood, CO, City of	West Jordan, UT, City of
Larkspur, CA, City of	Wichita, KS, City of
Liberty, MO, City of	Wilmington, NC, City of
Litchfield Park, AZ, City of	Windsor, CA, Town of
Los Angeles, CA, City of	Yuma, AZ, City of

## **UNDERSTANDING OF NEEDS**

The intent of the study is to review and update the City's classification and compensation system. Specifically, the City desires the following tasks to be performed. In summary:

- Analysis and evaluation of all job classifications and descriptions with recommendations on evaluation changes, job description changes, and classification of each position. This will include ADA and FLSA status review.
- Implementation of a job evaluation system with recommendations on evaluations to maintain internal equity.
- A custom compensation survey for selected benchmark positions in a comparable labor market.
- Provide recommendations and options for a newly designed evaluation and compensation system that will be in compliance with State Pay Equity Compensation Standards.
- Review feasibility of implementing a performance based compensation system or component.
- Provide guidelines on changes to the system or structure, along with ongoing training and support.

Based on our understanding of your needs, we have prepared a complete work plan we believe addresses all of your stated issues. The work plan consists of 5 major tasks; these tasks are listed below.

### **TASKS**

- Task I: Study Initiation and Administration
- Task II: Classification Study (optional)
- Task III: Job Evaluation Study
- Task IV: Compensation Study
- Task V: Submit Final Report

The following pages identify the activities that are associated with each task.

Continuous contact between the City and FLA will be maintained throughout the contract. The majority of the City's time will be spent during the beginning of the study, completing job analysis information, and reviewing work products and approving the draft recommendations of FLA at the end of the study.

## WORK PLAN

### **Task I: Study Initiation and Administration**

In Task I, we will conduct a number of tasks that will enable us to better manage the study. We will assess your current classification and compensation system and confirm the City's classification and compensation philosophy and strategy that will serve as a guide for the remainder of the study tasks. Most of the initial tasks of the study will occur on-site with the City.

During this Task, City personnel will assist FLA in assessing its current classification and compensation systems to ensure the current problems or concerns within the systems are addressed and modified as appropriate. We anticipate most of the City's time in this task will involve an on-site meeting consisting of the City Administrator, and other administrators as appropriate. Additional time will be required from general City employees in order to attend study communication activities and presentations.

In summary, we will perform the following:

<b>ACTIVITY</b>	<b>DESCRIPTION</b>
<b>Pay Philosophy</b>	<ul style="list-style-type: none"><li>▪ We will review the City's current compensation philosophy, and update it based on the City's human resources strategy, or develop a compensation strategy if one is currently not in use.</li><li>▪ We will also review the current pay system and note specific areas to address or "fix" during the compensation study.</li></ul>
<b>Class Review</b>	<ul style="list-style-type: none"><li>▪ We will review the City's current job descriptions and note any questions and concerns with their format and content and discuss how to resolve these areas during the job evaluation task.</li></ul>
<b>Communications and Employee Meetings</b>	<ul style="list-style-type: none"><li>▪ We will provide the City with communication guidelines that will assist the City Administrator in addressing questions or concerns the employees may have during the study. Portions of these guidelines can be distributed to employees to inform them of the study and assist in eliminating any anxious feelings employees may have regarding the study.</li></ul>

ACTIVITY	DESCRIPTION
<b>Communications and Employee Meetings (cont'd)</b>	<ul style="list-style-type: none"> <li>▪ We will hold one employee meeting to introduce employees to the purpose and objectives of the study to ensure consistent communication and feedback are provided to employees.</li> </ul>

<b>FLA Deliverables - Task I:</b>
<ul style="list-style-type: none"> <li>▪ Assisting the City with confirming or updating its compensation philosophies and strategies.</li> <li>▪ Our initial assessment of the strengths and weaknesses of your classification and compensation systems.</li> <li>▪ Employee communication guidelines.</li> <li>▪ Employee orientation presentations.</li> </ul>

<b>How the City Can Assess Our Performance - Task I:</b>
<ul style="list-style-type: none"> <li>▪ Our understanding of your mission and strategy.</li> <li>▪ Our understanding of the issues surrounding your classification and compensation systems.</li> <li>▪ Our professionalism in dealing with City questions and concerns.</li> <li>▪ Our understanding of progressive issues of compensation and classification systems in cities.</li> </ul>

## **Task II: Classification Study (optional)**

This is an optional task and is open to discussion with the City. If the current job descriptions are up to date and represent the current job responsibilities, the employees and management can review the job descriptions for evaluation by FLA. This will save both time and money for the City. However, if the job descriptions may not be reflective of the responsibilities, or the City wishes to review the classification structure, completing Position Description Questionnaires (PDQs) is the most efficient and effective process.

Classification is the process of understanding, verifying, and describing the nature and level of work of each job in the organization. This is done by asking employees and supervisors to describe their work, including the duties, responsibilities, knowledge, skills, physical requirements, and working conditions required for their job. In this Task, data will be collected from existing job descriptions, employee PDQs, and individual or group employee interviews.

During this Task, all employees included in this study will be responsible for completing PDQs, if the City selects this approach, and a representative sample of employees will be responsible for attending individual interviews as needed to clarify job content. This process will help us to verify and determine the essential duties, minimum qualifications, and level of responsibility for each job. The City Manager and other administrators as appropriate will be responsible for reviewing and approving the recommended class structure and job descriptions provided by FLA.

In summary, we will perform the following:

<b>ACTIVITY</b>	<b>DESCRIPTION</b>
<b>PDQ Completion (if this option is selected)</b>	<ul style="list-style-type: none"><li>▪ All employees included in the study will be asked to complete a PDQ; employees can either complete it individually or as a group if they are in the same classification.</li><li>▪ To ensure employees complete the PDQs properly and accurately, we will walk them through the PDQ and explain what is required to complete each PDQ section during the initial on-site meeting.</li></ul>
<b>Employee Interviews</b>	<ul style="list-style-type: none"><li>▪ FLA will review all completed PDQs.</li><li>▪ FLA will interview a representative sample of incumbents in order to clarify information included in their PDQs and to ensure we understand their job.</li></ul>

ACTIVITY	DESCRIPTION
<b>Classification Structure</b>	<ul style="list-style-type: none"> <li>▪ Based on the information gathered in the PDQs, interviews, and the occupational panel process, FLA staff will develop a new classification structure that combines like or similar jobs and indicates career ladders in various job families (as appropriate and according to the City's classification strategy).</li> <li>▪ We will work with you to ensure the classification structure we develop is appropriate for <u>your</u> organization and philosophy.</li> </ul>
<b>Update Job Descriptions</b>	<ul style="list-style-type: none"> <li>▪ Based on the current job descriptions, PDQs, interviews, and occupational panel groups, FLA will recommend changes and updates to the job descriptions, ensuring all requirements regarding essential functions and minimum qualifications are included.</li> <li>▪ FLA will also determine the appropriate FLSA status of each job using the <u>FLSA guidelines</u> that went into effect on August 23, 2004.</li> </ul>
<b>Classification Guidelines</b>	<ul style="list-style-type: none"> <li>▪ We will provide the City with classification guidelines that describe how to administer the new classification system. The classification guidelines will address issues such as fundamentals of classification systems, the process for reclassification requests, how to classify new positions, and other common classification issues.</li> </ul>

### **FLA Deliverables - Task II:**

- Position Description Questionnaire.
- Employee interviews/Occupational panels.
- New/Updated classification structure.
- Draft job descriptions.
- Finalized job descriptions based on City comments.
- Classification guidelines.

### **How the City Can Assess Our Performance - Task II:**

- Our professionalism during employee interviews and discussions.
- Our understanding of City jobs and how they function.
- How well our classification structure fits your classification philosophy.
- The City's understanding of the updated/new classification structure.
- The quality of our job descriptions and how well they describe the City's jobs.
- Our understanding of FLSA, ADA, and EEO issues concerning classification.

### **Task III: Job Evaluation Study**

The purpose of job evaluation is to establish the internal worth of all job classes. The basic premise of job evaluation is that, the more a job is valued internally, the more it should be compensated. Furthermore, it is a valuable tool for slotting classifications into appropriate salary grades when market data are not available for certain classifications, or for classifications that are not benchmarked.

We will review the City's current job evaluation methodology and assist in determining if it meets the needs of the City. We will also review alternative job evaluation methods available to the City and select an alternative method if appropriate.

We will either validate the existing job evaluations, or install a new job evaluation methodology, whichever is appropriate. We will review the internal job evaluation hierarchy with the City and modify it as required. If we do not do Task II, we will review all current job descriptions for compliance with ADA and FLSA, review the content of responsibilities, including the minimum qualifications required. If Task II is done, we will utilize the PDQs and updates to the job descriptions.

The City Administrator and other administrators as appropriate will be responsible for reviewing and approving the recommended job evaluations.

In summary, we will perform the following:

<b>ACTIVITY</b>	<b>DESCRIPTION</b>
<b>Evaluate Jobs</b>	<ul style="list-style-type: none"><li>▪ FLA will apply the selected job evaluation method to the City's jobs.</li><li>▪ IF we do not do Task II, FLA will review the content and minimum qualifications of all the current job descriptions based on our experience, and recommend solutions to issues raised during the strategy development. We will also review each job description at this time to ensure compliance with all Federal and State requirements, such as FLSA and ADA. If Task II is done, we will utilize the PDQs and updates to the job descriptions.</li></ul>
<b>Approval</b>	<ul style="list-style-type: none"><li>▪ FLA will discuss the internal hierarchy that is created within the City and modify and finalize the job evaluations as appropriate.</li></ul>

ACTIVITY	DESCRIPTION
<b>Documen- tation</b>	<ul style="list-style-type: none"> <li>▪ We will provide the City with a job evaluation handbook that explains the purpose of job evaluation, as well as all the definitions, forms, processes, and procedures of applying the job evaluation methodology.</li> <li>▪ FLA will provide the City with a report that can be used to inform employees of the evaluations.</li> </ul>
<b>Employee Appeals</b>	<ul style="list-style-type: none"> <li>▪ We will conduct employee appeals as appropriate; <u>this is an optional task</u>, and is priced separately.</li> </ul>

#### FLA Deliverables - Task III:

- Results of the job evaluations.
- Recommendation on changes to job description content, format, and legal requirements.
- Employee job evaluation handbook.
- A report that can be used to inform employees of the job evaluations.
- Employee appeal forms and our appeal response (if appropriate).

#### How the City Can Assess Our Performance - Task III:

- How well the City understands the job evaluation methodology and process.
- Our understanding of the legal requirements of job descriptions and current practices in developing job descriptions.
- Our understanding of the City's internal equity.
- How well the employees understand the purpose of job evaluation.

#### **Task IV: Compensation Study**

The purpose of the compensation study is to ensure the compensation structure is competitive with the relevant labor markets for personnel. It will be necessary to identify benchmark organizations and job classifications on which to collect comparable market data. During this task, we will also integrate the job evaluation results with the labor market survey analysis to develop a classification and salary structure that reflects the proper balance of internal and external equity.

During this task, the City Administrator and other administrators as appropriate, will be responsible for assisting FLA in selecting organizations to survey within the City's labor market, selecting benchmark jobs to be surveyed, reviewing the data collection form developed by FLA, and reviewing the draft compensation report produced by FLA (the majority of the City's time will be spent reviewing the draft compensation report).

In summary, we will perform the following:

<b>ACTIVITY</b>	<b>DESCRIPTION</b>
<b>Define Labor Market</b>	<ul style="list-style-type: none"><li>▪ We will work with you and select up to 20 benchmark organizations to survey within the City's defined recruitment market.</li><li>▪ When determining organizations to include in the survey, size, geographic location, and industry are major considerations. If appropriate, the organizations will vary based on the level of job surveyed (i.e. different jobs have different recruiting markets).</li></ul>
<b>Select Benchmark Jobs</b>	<ul style="list-style-type: none"><li>▪ We will work with you in selecting benchmark jobs on which to collect comparable salary data. However, the number of benchmark jobs will be discussed with the City and an appropriate number will be jointly selected.</li><li>▪ Benchmark jobs should be representative of the level of responsibility throughout the City, jobs found in most organizations, or those jobs for which the City is experiencing recruitment or retention problems.</li></ul>

ACTIVITY	DESCRIPTION
<b>Benchmark Summaries</b>	<ul style="list-style-type: none"> <li>▪ FLA will write benchmark summaries for the classifications selected to aid the participating organizations in matching their classifications to the City's, with final approval from the City.</li> </ul>
<b>Data Collection Form</b>	<ul style="list-style-type: none"> <li>▪ FLA will develop a customized data collection form to collect comparable pay data from the labor market, with final approval from the City.</li> </ul>
<b>Collect Data</b>	<ul style="list-style-type: none"> <li>▪ We will distribute the data collection form and follow-up with participants to encourage participation, answer questions, and ensure data quality. Status reports based on weekly follow-up calls regarding survey participation will be sent to the City.</li> <li>▪ In order to encourage responses from organizations, we will provide them with a summary of the survey results (i.e. a participant report).</li> <li>▪ We will also use available published data sources including the ICMA, IPMA and/or League of Minnesota Cities surveys, as well as other commercially available surveys of public and private sector jobs to obtain market information for the City.</li> </ul>
<b>Verify Data</b>	<ul style="list-style-type: none"> <li>▪ FLA will collect, enter, and analyze the compensation data collected from participants. We will follow-up with participants to ensure the accuracy of benchmark matches.</li> <li>▪ FLA will develop a database of survey results that will be provided to the City for future use when updating the system.</li> </ul>
<b>Determine Competitive Nature</b>	<ul style="list-style-type: none"> <li>▪ FLA will analyze the current pay with the market to determine if the City leads, matches, or lags the market based on the City's compensation philosophy.</li> </ul>

ACTIVITY	DESCRIPTION
<p><b>Update Structure/ Develop New Structure</b></p>	<ul style="list-style-type: none"> <li>▪ We will utilize the job evaluation results and market pay results and develop a new compensation structure or update the existing structure, whichever is appropriate.</li> <li>▪ We will develop the structure with standard compensation analytical tools, such as regression analysis, expanding range spreads, and other tools as appropriate to prevent pay compression, inequities, and other problems commonly associated with salary structures.</li> </ul>
<p><b>Transition</b></p>	<ul style="list-style-type: none"> <li>▪ FLA will discuss with the City how it can transition from the existing system to the updated system. Considerations will be given to budget constraints and current personnel practices. It is our intention to retain and, where practical and feasible, expand on those areas of the current program that meet the objectives set forth in the City's compensation philosophy and strategies.</li> </ul>
<p><b>Compensation Guidelines</b></p>	<ul style="list-style-type: none"> <li>▪ We will provide the City with compensation guidelines that describes how to administer the new compensation system. The compensation guidelines will address issues such as fundamentals of compensation systems, how to grant employee increases, how to deal with promotions, transfers and demotions, and other administrative issues.</li> </ul>

**FLA Deliverables - Task IV:**

- List of up to 20 comparable organizations to survey.
- List of benchmark jobs.
- Benchmark summaries to assist participants in matching their jobs to the City's.
- Results of the salary survey, including a determination of the competitiveness of the City's pay practices and salary levels.
- Recommended new/updated salary structure(s).
- Recommended pay practices.
- A transition plan to move from the current system(s) to the new system(s).

#### **How the City Can Assess Our Performance - Task IV:**

- Our understanding of compensation principles and practices.
- The integrity of the compensation data collected.
- How well our recommended salary structure and pay practices fit the City's compensation philosophy.
- How our transition plan meets the needs and considers the culture of the City and its financial capabilities.

#### **Task IV: Submit Final Report**

We will prepare a report summarizing the processes used to conduct the study and the findings and recommendations of the study. The City will have an opportunity to review and discuss the report with FLA. Based on these discussions, FLA will update and finalize the report. We will present the final report to the City Council, administrators, and general employees. We will also develop a transition program to implement the new system. If desired, we will also provide the City with an executive summary that can be distributed to employees to apprise them of the study process, results, and recommendations. We have found that the executive summary is instrumental to the employees' understanding and acceptance of the project.

In summary, we will perform the following:

<b>ACTIVITY</b>	<b>DESCRIPTION</b>
<b>Draft Report</b>	The draft report will include at a minimum: <ol style="list-style-type: none"><li>1. A detailed summary of the job evaluation and compensation study.</li><li>2. Results of our analysis and evaluation of all job classifications and descriptions with recommendations on evaluation changes, job description changes, and classification of each position. This will include ADA and FLSA status review.</li><li>3. Results of the custom compensation survey for selected benchmark positions compared to the labor market.</li><li>4. Recommendations and options for a newly designed evaluation and compensation system that will be in compliance with State Pay Equity Compensation Standards.</li><li>5. Results of our review of the current job evaluation system with recommendations on improving the existing system or implementing a new system.</li><li>6. Guidelines on changes to the system or structure, along with ongoing training and support.</li><li>7. Conduct pay equity analysis.</li></ol>
<b>Other Final Documents</b>	Other final documents that will have been be submitted during the course of the study are: <ol style="list-style-type: none"><li>1. Job evaluation ratings</li><li>2. Job descriptions recommendations</li><li>3. Classification guidelines</li><li>4. Compensation guidelines</li></ol>

ACTIVITY	DESCRIPTION
<p><b>Final Report</b></p>	<ul style="list-style-type: none"> <li>▪ Based on the City's review and recommended changes, FLA will finalize the draft report and an appropriate number of copies will be sent to the City.</li> <li>▪ We will present the findings and recommendations to the City Council, administrators, and general employees. This will allow all parties an opportunity to ask questions and have a complete understanding of the project.</li> </ul>

FLA Deliverables - Task V:
<ul style="list-style-type: none"> <li>▪ Report that summarizes all aspects of the study which includes processes, recommendations, cost (budget implications), implementation and transition methods, administration guidelines, and other elements described above.</li> <li>▪ Presentation to the Council, administrators, and general employees.</li> <li>▪ Employee communication materials.</li> <li>▪ Pay equity analysis.</li> </ul>

How the City Can Assess Our Performance - Task V:
<ul style="list-style-type: none"> <li>▪ How well the new system supports the City's mission and strategy.</li> <li>▪ The City's understanding of the new system.</li> <li>▪ Our ability to provide a system that requires little outside maintenance assistance.</li> </ul>

## STUDY SCHEDULE

We are prepared to commence the work within two weeks after receiving your authorization to proceed.

In today's world speed is very important. However, given the significance of this project, it is just as important for City officials, administrators, and employees to have sufficient time to review and approve the recommendations of Fox Lawson & Associates and to ensure proper communications occur. We have prepared a timeline to ensure the City has sufficient time to review the recommendations provided by our firm and has adequate time to communicate internally with its employees. This timeline also ensures our staff has adequate time to perform a thorough review of the City's jobs and compensation systems. Even though some of the technical phases of the project can be completed in less time, given the potential for change we believe it is important to provide the City with plenty of time to review the recommendations of our firm. If the City desires to complete the project in less time, we welcome the City's discussion of a different timeline to meet your needs.

The following is an estimate to complete each Task by month. We will discuss the details of each task during Task I and identify specific deadlines for the project at that time.

TASK	DESCRIPTION	Month 1	Month 2	Month 3	Month 4	Month 5
<b>Task I:</b>	Study Initiation and Administration					
<b>Task II:</b>	Classification Study					
<b>Task III:</b>	Job Evaluation Study					
<b>Task IV:</b>	Compensation Study					
<b>Task V:</b>	Final Report					

## STUDY COST

We understand the importance of this study and realize the delicate nature of government spending. Therefore, we have proposed a fee schedule that is sensible and that generates project results that will add value to the City. It will ensure the City has the ability to attract, retain, and motivate employees in providing quality services to its citizens and ensure the system is not an administrative and/or costly burden to the City. Thus, our fees to conduct the classification and compensation study outlined in the proposal (including out of pocket expenses) will not exceed \$32,000.

TASK	DESCRIPTION	ALL EMPLOYEES FEES	ONLY NON-UNION FEES
Task I:	Study Initiation and Administration	\$3,000	\$3,000
Task II:	Classification Study (optional)	\$10,000	\$3,000
Task III:	Job Evaluation Study	\$3,000	\$1,000
Task IV:	Compensation Study	\$12,000	\$5,000
Task V:	Final Report	\$4,000	\$3,000
<b><u>TOTAL FEES (with Task II):</u></b>		<b><u>\$32,000</u></b>	<b><u>\$15,000</u></b>
<b><u>TOTAL FEES (without Task II):</u></b>		<b><u>\$22,000</u></b>	<b><u>\$12,000</u></b>

These fees assume there is an on-site meeting during Task I for the initial administration meetings and an on-site meeting during Task V to present the findings to the City Administrator and employees. These fees do not include employee appeals. Appeals would be \$250/appeal.

While we use proven procedures to maximize participation, we ultimately have no control over other organizations' work schedules, and/or their desire or ability to participate. We make no guarantee that we will obtain good data for all jobs from each of the organizations that we invite to participate in the survey.

Our study costs are directly derived from estimating the number of hours needed to perform the work and the level of consultant charged with the work. Fox Lawson typically bills on a monthly basis up to the maximum of each deliverable. **All expenses are included in this quote.**

For work *beyond that specified in this proposal*, additional fees and out of pocket expenses will be involved. We are available for discussion if the study requires additional services beyond the scope contained in the proposal.

<b>Level</b>	<b>Rate</b>
<b>Partner</b>	\$310
<b>Senior Consultant</b>	\$215
<b>Consultant</b>	\$160
<b>Para-Professional</b>	\$95

We would be pleased to discuss ways in which the cost could be reduced should you believe that certain tasks are not needed or could be performed by City staff.

### **City Support**

---

During this project we are mentors to the City and provide work products that fit your needs. In order to accomplish this task, we anticipate reasonable support from the City in the following areas:

- Discussing the City's current systems.
- Completion and submission of position questionnaires.
- The scheduling of employee communication activities, such as orientation sessions or interviews.
- Timely response to requests for information (employee data) and the review and discussion of our work product.

We anticipate this time will be minimal and will mainly consist of the completion of position description questionnaires and being available for interviews.

## **FLA Assurance**

---

Fox Lawson & Associates, LLC stands by the systems we develop. Our primary objective is to provide the tools needed by our clients to maintain the programs in the future without continuing outside assistance. Therefore, we are available to answer questions at no additional cost pertaining to this study for at least one year following the date of study completion to ensure the system is installed properly and to resolve any questions the City may have on administering the system. However, additional work beyond the scope of this project will be billed at our billing rates in effect at that time.

We understand the process of selecting a consulting firm may be difficult. If you have any questions regarding work plan, costs, or any element concerning this proposal please contact us and we would be glad to answer your questions.

Thank you for your time and consideration. We believe we are highly qualified to assist you in completing this project.

# SAMPLE CLASSIFICATION STUDY

APRIL 2007

## POSITION DESCRIPTION QUESTIONNAIRE

### INSTRUCTIONS AND GUIDELINES FOR COMPLETING YOUR POSITION DESCRIPTION QUESTIONNAIRE (PDQ)

Position Description Questionnaires (PDQs) are being distributed to all individuals who are included within the scope of the study. As these PDQs are used to write job classifications, it is extremely important for you to fill out the questionnaires completely and accurately.

To make this process easier for you, we recommend you first read through the entire questionnaire so that you understand the information we are asking for in each section. Next, complete as much of the questionnaire as you can and then put it down for a day. On the next day, complete the rest of the questionnaire. Finally, just before you turn it in, read it again to make sure you haven't forgotten anything. We have included a checklist on page 2 to assist you with tracking your progress.

1. The information you provide on the following Position Description Questionnaire (PDQ) will be used to develop the new job classification system for the SAMPLE and to determine the correct classification for your job. It is very important that you provide accurate, detailed information about your current job duties. Providing overstated questionnaires may have a negative effect and will not result in a higher classification.
2. You may complete your PDQ as an individual, or you may join with other employees who perform the same type of work that you do to complete the PDQ as a group. Contact your supervisor for specific details on how to participate through a group process.
3. The questionnaire must be reviewed and signed by your immediate supervisor and your Department Head. Both the Supervisor and the Fox Lawson Consultant will then review the questionnaire information to ensure fairness and accuracy. Objectivity is the main consideration when the PDQs are reviewed.
4. Please spend a majority of your time on the sections indicated by arrows, as these are the most important sections in determining job classifications in the new system. 
5. We suggest that you keep a copy of the final document for your records. One copy and the original of the PDQ must be submitted to the Project Coordinator or the Employee Relations Department. The completed PDQ must be submitted to your supervisor and Department Head by [DATE]. Department Heads must submit PDQs to the Employee Relations Department by [DATE].

6. This document is set to be filled out by the employee by either typing a response, checking a box, or selecting an answer from a drop-down menu. Spaces left for response are indicated by a gray-shaded area. Drop-down menus are indicated by the word, "select" and an arrow next to the word when the box is highlighted. You may move between response areas simply by using the "Tab" key.

### **Position Description Questionnaire (PDQ) – Overview & Checklist**

Following is an overview of the SAMPLE's PDQ. Please use the checkboxes next to each section to monitor your progress and ensure completion.

#### **I - Background**

- Employee Background:** Name, title, email, department, etc.

#### **II - Position Information**

- 1. Position Summary:** Written description of your job's primary purpose.
- 2. Supervision & Organizational Relationships**
- a) Supervision Given:** Details of supervisory responsibility, if any.
  - b) Organizational Relationships:** Titles of coworkers and subordinates.
  - c) Public Contacts:** Inside and outside the organization.
- 3. Essential Duties:** Major job duties and their required decisions and frequency.
- 4. Required Knowledge & Skills:** Required knowledge and skills to perform essential duties.

#### **III - Education, Experience, and Equipment**

- 1. Education:** What education do you have vs. what do you need for the job?
- 2. Experience:** What experience do you have vs. what do you need for the job?
- 3. Special Requirements**
- 4. Machines, Tools, & Equipment:** Necessary equipment needed to perform job.
- 5. Decision Making & Judgments:** Short answers regarding decision-making capacity.

#### **IV - Americans with Disabilities Act Requirements**

- 1. Physical Activities/Requirements:** Standard ADA-related requirements.
- 2. Working Conditions:** Physical working conditions.

#### **V - Employee, Supervisor, and Department Head Signatures**

- Employee, Supervisor, and Department Head Signatures**

# SAMPLE POSITION DESCRIPTION QUESTIONNAIRE

**I. EMPLOYEE BACKGROUND:** In this section you will provide information regarding your name, current job title, your immediate supervisor, etc. This will help us make sure we refer to the correct job throughout the study.

Employee Name: \_\_\_\_\_ Date Form Completed: \_\_\_\_\_

Official Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Division: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Immediate Supervisor:**

**Immediate supervisor reports to:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

Position is (check one):  Regular full-time  Regular part-time

## II. POSITION INFORMATION

**1. POSITION SUMMARY:** This section asks for a short paragraph, one to three sentences, regarding the purpose of your position and/or your primary responsibilities. This summary helps us to quickly understand the essence of your job. Usually it is better to write this after you have completed the remainder of the questionnaire. Briefly describe what you consider to be the major purpose or objective of the job. Simply stated, what are you attempting to accomplish in your position?

Example: Computer Support Technician

Summary: To operate, maintain and repair computer equipment and to provide technical assistance to users.

**2. SUPERVISION & ORGANIZATIONAL RELATIONSHIPS – This Is Very Important**

a. The chart below asks for your specific supervisory responsibilities. If a duty statement applies to you, please check the box under the "Yes" column and then indicate the number of employees for which you are responsible to the right of the statement.

Yes	Duty	Full-time Equivalent Employees
<input type="checkbox"/>	I do not officially supervise other employees (sign performance reviews).	NA
<input type="checkbox"/>	I evaluate and sign performance reviews of other regular employees.	
<input type="checkbox"/>	I evaluate and sign performance reviews of part-time, temporary or contract employees.	
<input type="checkbox"/>	I instruct other employees in methods or procedures needed to carry out their job (how to carry-out their assigned duties).	
<input type="checkbox"/>	I make work assignments for others.	
<input type="checkbox"/>	I make hiring and hiring pay recommendations.	
<input type="checkbox"/>	I make hiring and hiring pay decisions.	
<input type="checkbox"/>	I recommend termination for poor performance.	
<input type="checkbox"/>	I provide advice to peers that they must consider carefully before making a decision.	NA
<input type="checkbox"/>	I provide information to supervisors/management that they use in making a decision.	NA

b. Complete the organization chart below. This chart will help us to understand your job in relation to others in your department. Please use titles and not names. Fill in the applicable position titles: (1) your coworkers, employees you work with and who also report directly to your supervisor; and, (2) your subordinates, any employees you supervise directly. List only those jobs over which you have full managerial/supervisory authority (i.e. complete and sign performance evaluation.) Do not list employees supervised by your subordinate supervisors.

**YOUR COWORKERS' JOB TITLES**


**YOUR SUBORDINATES' JOB TITLES**


c. Describe with whom, or with what departments/organizations, you have regular contact.

**1. Inside your organization (other City departments):**

Title of Person or Department	How Often	For What Purpose

**2. Outside your organization:**

Title of Person or Organization	How Often	For What Purpose

**3. ESSENTIAL DUTIES. This is very important.**

The list of essential duties helps us to understand those duties which are the primary reasons why your position exists. For clarification, please refer to the examples provided below.

**Essential Duties:** Those duties that make up at least 5% of your time. Please provide enough detail so that someone who may not be familiar with your job will have a clear understanding of what it is that you do. For example, do not simply state "prepares reports", but state "prepares reports such as status reports, staff reports", or other type of report(s) you may prepare. Also, please use action verbs such as prepares, calculates, operates, etc., to start off each statement. Do not use acronyms in your description. Examples are shown below. Use additional sheets if needed.

**Decisions Required:** List the decisions you make to carry out the essential duties.

**Frequency:** Indicate how often you perform each duty - D = daily, W = weekly, M = monthly, Q = quarterly, A = annually, or O = occasionally.

**Percent of Time:** Indicate how much of your time you spend on each task. The total of these percentages should not be more than 100%. Example: Sally conducts property value estimates 20% of the time, it may mean she spends one day out of five on that task, or that she spends around two hours each day. These need only be estimates so do not spend a great deal of time trying to come up with an exact percentage. The percentages of all duties should equal 100% over a one year period of time.

*Attach additional sheets if necessary.*

**EXAMPLE (LIST ACTUAL ESSENTIAL DUTIES BELOW EXAMPLE)**

Essential Duties	Decisions Required	Frequency DWMQAO	% of Time
<b>EXAMPLES:</b>			
<i>Prepares monthly newsletters by gathering information, writing copy, editing, preparing for publication and overseeing distribution.</i>	<i>Articles to include, editorial changes, graphics, layouts</i>	<i>M</i>	<i>25%</i>
<i>Performs inventory spot checks and monthly counts of supplies in warehouse.</i>	<i>When to check supplies</i>	<i>M</i>	<i>10%</i>

List of Essential Duties	Decisions Required	<b>Frequency:</b> D = Daily W = Weekly M = Monthly Q = Quarterly A = Annually O = Occasionally	<b>% of Time Spent</b> (Not to exceed 100%)
1.		Select	
2.		Select	
3.		Select	
4.		Select	
5.		Select	
6.		Select	
7.		Select	
8.		Select	
9.		Select	
10.		Select	

**Attach additional sheets if necessary.**





**III. EDUCATION, EXPERIENCE, AND EQUIPMENT** *This is very important.*

**1. EDUCATION:** What level of education do you have and what minimum level of education do you believe is needed to satisfactorily perform your job at entry level? Check the level that applies to your job:

You Have	You Need	
<input type="checkbox"/>	<input type="checkbox"/>	Less than High School Diploma or equivalent (G.E.D.) (ability to read, write, and follow directions)
<input type="checkbox"/>	<input type="checkbox"/>	High School Diploma or equivalent (G.E.D.)
<input type="checkbox"/>	<input type="checkbox"/>	Up to one year of specialized or technical training beyond high school
<input type="checkbox"/>	<input type="checkbox"/>	Associate degree (A.S., A.A.) or two-year technical certificate
<input type="checkbox"/>	<input type="checkbox"/>	Bachelor's degree
<input type="checkbox"/>	<input type="checkbox"/>	Other (explain): _____

**2. EXPERIENCE:** What kinds of experience do you have, and what minimum kinds of experience are needed to enter your job at entry level?

**Type of Experience**

You Have	Your Time	You Need	Minimum Time Required
_____	years	_____	years
_____	years	_____	years
_____	years	_____	years

a. What field (s) should training or degree be in?

**3. SPECIAL REQUIREMENTS:** List any registrations, certifications or licenses that are required for you to hold your position. Be specific and do not abbreviate words or use acronyms.



b. For what work do you make the final decision? Provide examples.

c. Does this position have authority to commit the organization, or any of its units, to a course of action? Provide examples.

## IV: AMERICANS WITH DISABILITIES ACT REQUIREMENTS

### 1. PHYSICAL ACTIVITIES/REQUIREMENTS

This section helps us understand the physical activities and requirements that are absolutely necessary for you to be able to do in order to perform your job. Please list the frequency and the importance of each of the physical requirements listed in this section. These physical activities/requirements will help in ensuring the City of Lakewood remains in compliance with the Americans with Disabilities Act.

The City of Lakewood is required to document any physical requirements in order to legally defend restrictions that are imposed. The definitions for the physical activities/requirements are taken directly from the guidelines established by the federal government. Your answers in this section will not affect how your job is classified.

#### Frequency

How frequently is the activity performed?

- 0 - Never
- 1 - Annually
- 2 - Quarterly (at least 3 per year)
- 3 - Monthly (at least 8 per year)
- 4 - Weekly (at least 3 per month)
- 5 - Daily (at least 3 per week)

#### Importance

How important is the activity in accomplishing the job's purpose?

- 0 - Not Important
- 1 - Somewhat Important
- 2 - Very Important
- 3 - Extremely Important

Physical Activity	Frequency	Importance
<b>Climbing:</b> Ascending or descending ladders, stairs, scaffolding, ramps, poles and the like, using feet and legs and/or hands and arms. Body agility is emphasized. This factor is important if the amount and kind of climbing required exceeds that required for ordinary locomotion.	Select	Select
<b>Balancing:</b> Maintaining body equilibrium to prevent falling when walking, standing or crouching on narrow, slippery or erratically moving surfaces. This factor is important if the amount and kind of balancing exceeds that needed for ordinary locomotion and maintenance of body equilibrium.	Select	Select
<b>Stooping:</b> Bending body downward and forward by bending spine at the waist. This factor is important if it occurs to a considerable degree and requires full use of the lower extremities and back muscles.	Select	Select
<b>Kneeling:</b> Bending legs at knee to come to a rest on knee or knees.	Select	Select
<b>Crouching:</b> Bending the body downward and forward by bending leg and spine.	Select	Select
<b>Crawling:</b> Moving about on hands and knees or hands and feet.	Select	Select
<b>Reaching:</b> Extending hand(s) and arm(s) in any direction.	Select	Select

<b>Physical Activity</b>	<b>Frequency</b>	<b>Importance</b>
<b>Standing:</b> Particularly for sustained periods of time.	Select	Select
<b>Walking:</b> Moving about on foot to accomplish tasks, particularly for long distances.	Select	Select
<b>Pushing:</b> Using upper extremities to press against something with steady force in order to thrust forward, downward or outward.	Select	Select
<b>Pulling:</b> Using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.	Select	Select
<b>Lifting:</b> Raising objects from a lower to a higher position or moving objects horizontally from position-to-position. This factor is important if it occurs to be a considerable degree and requires the substantial use of the upper extremities and back muscles.	Select	Select
<b>Fingering:</b> Picking, pinching, typing or otherwise working, primarily with fingers rather than with the whole hand or arm as in handling.	Select	Select
<b>Grasping:</b> Applying pressure to an object with the fingers or palm.	Select	Select
<b>Feeling:</b> Perceiving attributes of objects, such as size, shape, temperature or texture by touching the skin, particularly that of fingertips.	Select	Select
<b>Talking:</b> Expressing or exchanging ideas by means of the spoken word. Those activities in which they must convey detailed or important spoken instructions to other workers accurately, loudly, or quickly.	Select	Select
<b>Hearing:</b> Perceiving the nature of sounds with no less than a 4db loss @ 500 Hz, 1,000 Hz and 2,000 Hz with or without correction. Ability to receive detailed information through oral communication, and to make fine discriminations in sound, such as when making fine adjustments on machined parts.	Select	Select
<b>Seeing:</b> The ability to perceive the nature of objects by the eye. Seeing is important for hazardous jobs where defective seeing would result in injury and also jobs where special and minute accuracy, inspecting and sorting exist. A high degree of visual efficiency, placing intense and continuous demands on the eyes by moving machinery and other objects are also considered important. Other important factors of seeing are acuity (near and far), depth perception (three dimensional vision), accommodation (adjustment of lens of eye to bring an object into sharp focus), field of vision (area that can be seen up and down or to the right or left while eyes are fixed on a given point) and color vision (ability to identify and distinguish colors).	Select	Select
<b>Repetitive Motions:</b> Substantial repetitive movements (motions) of the wrists, hands, and/or fingers.	Select	Select
<b>Sedentary Work:</b> Exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.	Select	Select

Physical Activity	Frequency	Importance
<b>Light Work:</b> Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.	Select	Select
<b>Medium Work:</b> Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.	Select	Select
<b>Heavy Work:</b> Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects.	Select	Select
<b>Very Heavy Work:</b> Exerting in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects.	Select	Select

**2. WORKING CONDITIONS**

The working conditions section helps us to understand the physical environment you are subjected to while performing your job duties. This section does not apply to conditions like an old office building but only those factors that have to do with the job itself. In this section, please place an X by the condition that applies and one under the frequency that is most appropriate. The condition should be unique to your job and not generally applicable to all employees with the organization. Please note, there is a choice for "Does Not Apply," if most of your work is in an office setting.

Does Not Apply

Condition	Less than 25% of the time	25-50% of the time	More than 50% of the time
Hazardous physical conditions (mechanical parts, electrical currents, vibration, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Atmospheric Conditions (fumes, odors, dusts, gases, poor ventilation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous materials (chemicals, blood and other body fluids, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extreme temperatures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work space restricts movement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intense noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Travel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental (disruptive people, imminent danger, threatening environment)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**V: EMPLOYEE, SUPERVISOR, AND DEPARTMENT HEAD SIGNATURES**

**ADDITIONAL COMMENTS**

Are there any additional comments you would like to make to be sure you have described your job adequately? (Use additional sheets if necessary).

**EMPLOYEE CERTIFICATION**

I certify that the above statements and responses are accurate and complete to the best of my knowledge.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR AND DEPT. HEAD**

This section is to be used by the Supervisor to note any additional comments, additional duties or disagreements with any section of the questionnaire. The Supervisor should not change anything written by the individual filling out the questionnaire nor should they address any performance issues. Please remember that this questionnaire is intended solely for the purpose of accurately describing the job in question. The Supervisor does not need to read the entire PDQ. Simply check the areas identified with arrows for accuracy as these are the most important in classifying the jobs. If these sections are not complete or are incorrect, please fill in the blanks when you review the questionnaire with the incumbent. If you disagree with any information provided or believe some information is missing, indicate below the question number and your comments. **Please note the form should have all three signatures to ensure all have read the questionnaire.**

Question No.	Comments

**Please check the appropriate statement:**

I agree with the incumbents' position questionnaire as written.

The above modifications have been discussed with the incumbent, and the incumbent agrees with these modifications.

The above modifications have been discussed with the incumbent, and the incumbent disagrees with these modifications.

**I have noted the modifications made by my supervisor in the comments Section above.**

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THANK YOU FOR COMPLETING THIS QUESTIONNAIRE. AFTER YOU OR YOUR GROUP HAS COMPLETED YOUR PORTION OF THE QUESTIONNAIRE, PLEASE SUBMIT THE QUESTIONNAIRE TO YOUR SUPERVISOR FOR REVIEW, SIGNATURE, AND COMMENT. YOUR SUPERVISOR WILL SUBMIT THE COMPLETED QUESTIONNAIRE TO YOUR DEPARTMENT HEAD.**

**Sample Organization, USA  
CLASS SPECIFICATION**

**CLASS SPECIFICATION TITLE: Business Manager**

<u>BAND</u>	<u>GRADE</u>	<u>SUBGRADE</u>	<u>FLSA STATUS:</u> Exempt
<b>CLASS SUMMARY:</b> Incumbents are responsible for performing professional level work and for managing the daily financial activities of a department. Incumbents are required to supervise professional and support staff.			

<b>TYPICAL CLASS ESSENTIAL DUTIES:</b> (These duties are a representative sample; position assignments may vary.)		<b>FRE-QUENCY</b>	<b>BAND/ GRADE</b>
1.	Supervises staff to include: prioritizing and assigning work; conducting performance evaluations; ensuring staff are trained; ensuring that employees follow policies and procedures; maintaining a healthy and safe working environment; and, making hiring, termination, and disciplinary recommendations.	Daily 20%	
2.	Manages and coordinates fiscal matters for assigned department.	Daily 20%	
3.	Plans, develops, coordinates, and administers departmental operating, capital, and/or grant budgets.	Daily 20%	
4.	Analyzes and provides financial data and special reports.	Daily 15%	
5.	Investigates and resolves complex contract, payables, receivables, funding, and/or other related issues.	Daily 10%	
6.	Participates in special projects; participates in/on a variety of meetings, committees, and/or training sessions.	Daily 5%	
7.	Maintains departmental project files, which includes contracts, payment records, and other related information.	Daily 5%	
8.	Serves as a liaison with Information Technology in identifying and implementing information management technologies.	Daily 5%	
9.	Performs other duties of a similar nature or level.	As Required	N/B

**Sample Organization, USA**  
**CLASS SPECIFICATION**

**CLASS SPECIFICATION TITLE: Business Manager**

**Training and Experience** (positions in this class typically require):

Bachelor's Degree in Accounting, Finance, Business Administration, or a closely related field and five years of progressively professional level accounting experience; or, an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

**Licensing Requirements** (positions in this class typically require):

Some positions may require:

- Certification as a Government Financial Manager.

**Knowledge** (position requirements at entry):

Knowledge of:

- Managerial principles;
- Budgetary principles;
- Project management principles;
- Applicable laws, rules, and regulations pertaining to program requirements, accounting, government contracts;
- Public administration principles;
- Fiscal management principles;
- Governmental accounting principles;
- Generally Accepted Accounting Principles (GAAP).

**Skills** (position requirements at entry):

Skill in:

- Prioritizing and assigning work;
- Operating a computer and applicable software;
- Applying laws, rules, and regulations;
- Administering operating and capital improvement budgets;
- Conducting research;
- Managing projects;
- Managing operations, policies, procedures, and practices;
- Conducting research;
- Analyzing, interpreting, and preparing financial documents;
- Performing mathematical calculations;
- Managing the fiscal activities in an assigned area;
- Developing and implementing goals, objectives, policies, and procedures;
- Reading, comprehending, and reviewing financial information;
- Making program decisions based on financial considerations;
- Communication, interpersonal skills as applied to interaction with coworkers, supervisor, the general public, etc. sufficient to exchange or convey information and to receive work direction.

**Sample Organization, USA**  
**CLASS SPECIFICATION**

**CLASS SPECIFICATION TITLE: Business Manager**

---

**Physical Requirements:**

Positions in this class typically require: fingering, grasping, talking, hearing, seeing and repetitive motions.

**Sedentary Work:** Exerting up to 10 pounds of force occasionally, and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

Incumbents may be subjected to travel.

**NOTE:**

The above job description is intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the business needs of the department.

**Classification History:**

Draft prepared by Fox Lawson & Associates LLC (LSM)

Date: 5/2002

# **CLIENT**

## **CLASSIFICATION MANUAL**

<b>BACKGROUND</b>	<b>2</b>
<b>RULES AND POLICIES</b>	<b>5</b>
<b>JOB ANALYSIS/ RECLASSIFICATION</b>	<b>9</b>
<b>JOB EVALUATION</b>	<b>10</b>

# CLIENT

## **CLASSIFICATION - BACKGROUND INFORMATION**

---

### **What is a Classification System?**

A classification system is a method of describing and naming work performed in an organization. It provides a structure or framework for understanding how jobs relate to one another and the business reasons for positions. A good classification system results in a sensible hierarchy of related positions and groups like work together under the same classification title.

### **What terms are used in developing a Classification System?**

---

**Position** A position is the job held by one person. It is the set of duties assigned to an individual and is commonly described by a position description.

---

**Classification** A body of work performed by a group of positions with similar jobs at a similar level of responsibility. This is described by a classification specification, sometimes referred to as a job description.

We sometimes use the word "class" for classification. (e.g., broad class, class spec, etc.)

---

**Classification Specification (or "class spec")** A general description of a class of work. Typically includes a general summary of the work; distinguishing characteristics of the class; the essential duties of the class; the knowledge and skills required at entry to the class; and any licensing and special physical requirements.

Job descriptions for individual positions (position descriptions) are more specific than classification specifications. Your Position Description Questionnaire (PDQ) is a specific description of your position and contains considerably more detail than is contained in a classification specification.

---

**Classification Series** A set of classifications which are closely related to one another but reflect increasing levels of decision-making, difficulty and/or accountability.

---

**Classification System** Arrangement of all of the classifications an employer uses, together with the classification specifications.

---

**Broad Classes** Classifications which capture wide ranges of work as being similar enough to group together in a single class.

Work can be defined very narrowly and specifically or very broadly and generally. Broad classes capture the major or essential work performed without distinguishing among some specific activities.

---

# CLIENT

## EXAMPLE OF BROAD CLASSES

### Example<sup>1</sup>:

An illustration of this concept may be found by examining a symphony orchestra. First, we have a general grouping of musicians, those who play brass, those who play percussion, those who play woodwinds, and those who play strings.

Within the family of string players, we have the broad class of violinist. All symphony violinist positions have characteristics and skills in common. The violinist class differs from the viola class, the cello class and the bass class.

Very specific assignments of violinist also exist: those who play first violin and those who play second violin. The difference between first and second violin is the score of music played, not the essential duties or level of skills.

---

---

<sup>1</sup> We have used examples, which are not typically found at the organization, in order to avoid confusion with the current classification system.

# CLIENT

## What is the Purpose of Classification Specifications?

Class specs are written summaries of work that provide a systematic method of grouping positions with similar essential functions. A class specification includes:

- Description of the type and level of work;
- Description of the characteristics which distinguish this class from others which may be in the same occupation or at the same level of authority and responsibility;
- Information which indicates standards for recruiting and selecting staff, determining appropriate pay, defining career growth opportunities, identifying performance expectations and complying with the Americans with Disabilities Act (ADA).

## Classification Specifications are not:

- Created or used to reward individual employees;
- Job or classification descriptions do not describe the duties and responsibilities of each individual employee in a class. Classification specifications describe the collective responsibilities of all employees that are allocated to that job.

# CLIENT

## CLASSIFICATION - RULES AND POLICIES

---

Classification systems must abide by certain rules or polices in order to maintain consistency throughout the system. Here are eleven policies that classification systems should follow.

---

**Policy 1:  
Broad or Narrow  
Classes**                      The first policy determines how the organization will shape its classification structure in order to support its organizational objectives. Depending upon the organization's strategy they may adopt narrow, broad, or somewhere in between narrow and broad descriptions to classify their jobs.

---

**Policy 2:  
Class Series**                      A class series groups related classes into a hierarchy differentiated by level of decision-making, responsibility and accountability (reference previous definition of "Class Series"). An example of a class series is:

1. Accounting Technician      (technical support)
2. Accountant                      (full professional/journey level)
3. Accounting Manager          (supervisor or key expert)

---

**Policy 3:  
Distinguishing  
Characteristics**                      Each level of a class series must be distinguished from other levels by distinct differences in level of decision-making, responsibility, and/or accountability. Determining the distinguishing characteristics between levels in a class series requires judgment and knowledge of the work performed. Look for identifiable, large breaks between levels.

Factors which distinguish levels:

To be a separate and a higher class, a group of positions should require some or all of these:

- Significantly different skills at a higher level (depth of skill) or significantly more varied skills in different fields of endeavor (breadth of skill). Please reference discussion of dual career tracks, which follows.
- Significantly different and more complex mental or physical processes.
- Significantly different and greater knowledge base.
- Significantly higher impact from the class's decisions, both positive and negative.
- Significantly higher accountability. Accountability can be measured in terms of accomplishment of objectives, internal or external customer satisfaction, and control over work.

Factors which do not distinguish levels:

Some factors which, as a sole measure, do not distinguish lower-level from higher-level classes in a series are:

- Existing rates of pay.
- Level or position in the organization's hierarchy.
- Number of people reporting to the position.
- Volume of work (of the same type and level).
- Number or variety of specific assignments.
- Employee's longevity in a current position.

## CLIENT

---

**Policy 4:  
Essential  
Functions**

Essential functions are basic duties for which the job was created; they make up the major purpose of the job. Essential functions normally cannot be transferred to another position without disruption in the flow or process of work. The list of essential functions on a class spec is meant to be illustrative only and not inclusive of every task that could possibly be assigned to a position.

---

**Policy 5:  
Knowledge and  
Skills**

The knowledge and skills listed on a class spec are required at entry to the class. Knowledge refers to the possession of concepts and information gained through experience, training, and/or education. Skills refer to proficiency that can be demonstrated. All knowledge and skills required on a class spec must relate to an essential function.

For example, knowledge of personal computers implies possession of the concepts for their use. Skill in personal computers implies proficiency in their use.

---

**Policy 6:  
Dual Career  
Tracks**

Broad classes value both experts and generalists. Classification series should be built wherever possible to honor dual career tracks, with equivalencies for increased expertise ("key contributors") and for increased breadth or scope of responsibility, such as project management or supervision of staff. These are known as technical subgrades.

---

**Policy 7:  
Supervisory  
Classes**

In designing supervisory classes, consideration should be given to whether subject matter expertise is primary or whether general supervision is primary. If subject matter expertise is primary, the supervisory class should be included in the series with the journey-level positions. If subject matter expertise is of much lesser importance than general supervisory skill, the supervisory positions should not be included in the series. Please reference the definition of supervisor provided on the last page.

There may be different levels of supervision required. For example, some supervisors must perform contract management - the supervision of consultants or contractors - in addition to organizational employees. It is important to be very clear in describing the nature of supervision demanded by the class.

---

**Policy 8:  
Lead Workers and  
Project Leads**

To design a class series, the entire body of work should be examined. Questions should be asked about what is needed, rather than what designations or titles currently are used. When defining lead workers, ask whether the series needs a full supervisory position, an assistant supervisor, or a partial supervisor.

Lead work is defined on the last page. If the lead work is of a temporary or project-based nature, it does not warrant a separate classification, although temporary or project lead worker pay may be appropriate (this is a separate issue from classification).

# CLIENT

It is assumed for incumbents in any class that:

- Any higher-level class can provide lead or project direction to any lower-level class in the work group.
- Any classification can participate in teams and task forces with staff of different classes and provide input to team decisions.
- Any classification can communicate and share information or expertise to, or coordinate with, higher and lower-level classes to accomplish work.

---

**Policy 9:  
Bridge Classes**

Establishment of "bridge" classes, which link different class series, is very important. A typical example might be a paralegal, which bridges the gap between a secretary and an attorney. In this example, a paralegal would be a class, which requires incumbents to have successfully completed a paralegal program.

---

**Policy 10:  
Mixed or Split  
Positions**

Some positions are mixed positions in which the incumbent in the job performs a combination of jobs. This happens because the work unit does not need a full-time position to do either part of the job. An example is Roofer/Painter, where there is not a need for either a full-time Roofer or full-time Painter but both roofing and painting are needed.

Separate class series are not needed for mixed or split positions if class specs are created for each class of work as a full-time class. When jobs are assigned to new classes, mixed positions will be assigned based upon the percentage of work in each class.

However, mixed or split positions are different from positions which are intentionally created to have a variety of duties, such as General Maintenance Workers and Trades Technicians, which perform some carpentry, some painting, some roofing, some plumbing, etc. In the case where responsibilities are intentionally broad and mixed, separate class specs should not be created.

As a rule of thumb, a split between two classes is reasonable, but beyond that, the mix of duties is probably intentionally varied and should not be described as a separate class.

---

**Policy 11:  
Job Titles**

A job title names a class of work and should be easily understood by employees, applicants, other agencies, and the public. Rules for creating job titles are that they should be:

- Short (e.g., "Violinist", rather than "Stringed Instrument Musician - Violin")
- Descriptive of the work (e.g., "Planners" should plan; "Engineers" should require engineering credentials)
- Common to the industry (e.g., "Printing Press Operator", rather than "Repro-graphic Media Technician II")

Many job titles are unique to a field of work, such as the Carpenter or

## **CLIENT**

Plumber mentioned earlier. Other titles are used throughout an organization. A list of commonly used words follows to help you apply standard job titles.

In addition to the principles above, develop titles, which do not use numerical sequences, and rather, use titles, which place the subject matter first, followed by some descriptor of the level. For example,

- Personnel Technician
- Personnel Analyst
- Personnel Analyst, Senior
- Personnel Supervisor

Do not use Personnel Analyst I, Personnel Analyst II, Personnel Analyst III, etc.

## CLIENT

### **CLASSIFICATION - JOB ANALYSIS/RECLASSIFICATION**

---

#### **What is job analysis?**

Job analysis is a systematic way of collecting data and making judgments about the duties and nature of a specific job. The job analysis provides the Analyst with the information they need to allocate the position or develop a new classification.

#### **What is reclassification?**

Reclassification is an employee's or supervisor's request to have a position allocated/evaluated to an existing or new classification.

A job analysis must be performed before a reclassification can be completed.

#### **Job analysis/Reclassification Rules and Policies**

---

*A job analysis will be performed if:*

- A new position is created in the organization;
- The position's or classification's essential duties of the position have substantially changed; typically, this means that 30% or more of the duties have changed. If the duties have not substantially changed, the process is complete and there is no basis for a job analysis or reclassification.

In order to determine if the position's duties have substantially changed the Analyst should ask the following questions to the reclassification:

- 1) Is the job more complex? Has the job taken on more responsibility? When reclassifications respond to questions like these, they often are unknowingly expanding upon duties that are already listed in the job description. So a good follow-up question to their response is: Are these really additional duties, or a simply a detailed description of a duty that is already listed in the job description? As an individual spends time in a classification, it is inherent their duties and responsibilities will evolve as they become fully competent within the job class. Ask if the reclassification has reviewed the current job description to ensure these are indeed additional duties.
- 2) If the reclassification has established that the duties have changed, the next question should inquire if it is a short-term or long-term effect. For example, if another employee is on short-term leave and these extra duties will only last for a short period of time, there is no need for a reclassification, although additional compensation may be awarded for their efforts and extra duties while they exist.
- 3) Finally, ensure the reclassification is talking about the duties of the job, not the performance of the employee. If the person is a good performer and still performing the duties listed, then a reclassification is not warranted.

If the position is a new position or satisfied the requirements for a reclassification, a job analysis should be performed to determine if the position falls within an existing classification or if a new classification should be written. If a new classification should be written, it will be written based upon the 11 rules and policies of the job classifications.

After the new classification description has been written the next step is to evaluate the position.

# CLIENT

## **CLASSIFICATION - JOB EVALUATION**

---

### **What is job evaluation?**

The purpose of job evaluation is to have a reliable and valid process that judges the relative importance of a job to the organization. The basic premise is that the more important the job is to the organization, the more valuable it is, and, thus, the more it should be compensated. The objective of job evaluation is to evaluate all classifications in a manner that is consistent, fair, and free of sex and racial bias. The results help to ensure that salaries paid in the future are based on the importance and value of each classification to the organization.

---

### **Job evaluation rules and policies**

- Applied not to individual employees, but entire classifications;
- Not a vehicle for rewarding employee performance, workload or efficiency;
- Do not determine staffing levels.

It should be noted that the focus of job evaluation is on the inherent duties, responsibilities, tasks, impacts, and working conditions of the job. The title, current salary grade or gender composition of the classification is irrelevant. The evaluation process always deals with classifications, not individuals, or positions. The person performing the work and whether or not it is being done well is not relevant. Job evaluation must look at classifications the way they are at the time of the study – not the way they might be or should be, or the way someone would have them be. Furthermore, it is not a process for assessing the appropriateness of staffing levels or workload, or for rewarding for efficiency or punishing for ineffectiveness. Additionally, as job evaluation focuses on the content of jobs, it necessarily focuses on the minimum level of job requirements essential at the entry level of a classification. Job evaluation should not be used as a means of reward by increasing the rating and thus, the salary grade. It is solely to be used for establishing the relative worth of jobs within an organization, also known as internal equity.

---

### **Job Evaluation Method**

The (Client) has selected the Decision Band™ Method (DBM) of job evaluation.

**The Decision Band™ Method (DBM)** is a straightforward and systematic way of looking at the duties and responsibilities of each job class, the supervisory responsibilities of the class and the difficulty and complexity of typical duties. DB™M takes into consideration the essential skills and knowledge required, the need for care and precision in performing the work, the consequence of error, and other related issues. Because the Decision Band™ Method focuses on the work that is performed, not the attributes of the incumbent or the quality of job performance by the incumbent, it is gender and racially neutral.

One of the major advantages of the Decision Band™ Method of job evaluation is the ability to determine the level of responsibility/authority required by the job in individual job classes. The methodology recognizes six levels of decision making within an organization, from Band decisions that affect the manner and speed in which an individual task is completed to Band F

# CLIENT

decisions that affect the overall goals and direction of the organization. A description of each band, or level of decision, is summarized below.

## **Band F (Policy Decisions)**

These are decisions that determine the scope, direction, and the overall goals of the organization. Classes are subject to few constraints other than those imposed by law, regulations, or economic conditions. They take into consideration all the major functions of the enterprise. Such decisions also set the goals of the major organizational functions, the limits of funds and scope of programs of the entire organization.

## **Band E (Programming Decisions)**

Band E decisions deal with the means of achieving the goals established at the Band F level. These decisions are concerned with formulating or adjusting programs for major functions, specifying goals for the constituent functions of these major functions and allocating resources (e.g., people, money, materials and facilities) among these constituent functions. Positions at this level tend to be the Directors of major business units. It is important to understand that Band E decisions are not a function of job title, but of the level of authority that is vested in a position or job class.

## **Band D (Interpretive Decisions)**

At Band D, the decisions involve interpretation and carrying out the major programs/business activities and/or goals established at the Band E level. These decisions specify what is to be done by lower Bands and how allocated resources are to be deployed. If circumstances change, or there is uncertainty about information or outcome, a Band D decision is required to establish what is to be done in similar circumstances in the future.

## **Band C (Process Decisions)**

Decisions in Band C involve the means or process of achieving the ends established by Band D decisions. They are subject to the limitations imposed by available technology and resources, and to the constraints set by Band D. Selecting the process is a decision that must proceed the carrying out of the operations that constitute that process. The process decision specifies what is to be done at the Band B level.

## **Band B (Operational Decisions)**

Band B involves decisions on the carrying out of the operations of a process specified by a Band C decision. There is, within the limits set by the process, a choice as to how the operations are carried out, but not as to what operations constitute the process. Within the skilled trades, journey level jobs make B Band decisions. There are comparable classes within the technical and administrative support occupational groups as well.

## **Band A (Defined Decisions)**

Band A decisions are confined to the manner and speed of performing the elements of an operation. There is, within the limits set by the prescribed operation, a choice as to how the

## **CLIENT**

elements are performed, but not as to what elements constitute the operation. Band A jobs include entry level and semi-skilled job classes.

Bands F, E, and D are what is known as "adaptive decisions" in that they deal with decisions which involve deciding how the entire organization, different parts of the organization, or major functional areas within the organization will deal with new circumstances or events. The lower three Bands (C, B, A) are described as "instrumental decisions" primarily dealing with the actual carrying out of decisions made at Band D or above.

### **BAND**

The process of evaluating the 58 jobs consisted of a review of each job description and determining the appropriate decision band and grade. To accomplish this task we initially determined the appropriate decision band for each duty listed on the job description. This is done by analyzing each duty in relation to the definition for each decision band. The definition most closely fitting the level of authority exercised in performing the duty becomes the band for that specific duty. The highest banded duty determines the decision band for the position/job. In effect, the incumbent either has a certain level of authority/decision making responsibility in performing a duty or (s)he does not.

### **GRADE**

The second step involved is determining the grade for the job. Within each decision band are two grades. Grades 0 and 1 are used in Band A, Grades 2 and 3 apply to Band B, Grades 4 and 5 apply to Band C, Grades 6 and 7 apply to Band D and Grades 8 and 9 apply to Band E. A position in the higher of the two grades must be responsible and accountable for the work performed by at least two or more full-time positions that are banded at the same level. Consequently, if one position supervises and is accountable for at least two positions that are banded at the same level, the supervisory position would be placed in the higher grade while the subordinate position would be placed in the lower grade.

### **SUBGRADE**

The third and final step in the job evaluation process is sub-grading. Sub-grading is based on the relative complexity and difficulty of the job in relation to other jobs that have been Banded and Graded at the same level. Consequently, B-2 level jobs are compared only to other B-2 level jobs. In determining sub-grade, we look at the number of essential duties on each job description that have been banded at the highest level. Those with a greater percentage of highest banded tasks will typically be sub-graded at a higher level than those with only one or a few tasks that are banded at the highest level. For example, a job with only one or two C level duties would typically be sub-graded lower than a job with seven or eight C level duties. There are normally three sub-grades used within each non-coordinating grade. Jobs containing less than one-third highest band duties would typically be sub-graded at the lowest level while jobs with two-thirds or more of the duties at the highest band would be normally be sub-graded at the highest level. However, in determining sub-grade, we also look at secondary criteria such as essential skills and knowledge, need for care and precision, consequence of error, and time pressures. Because the relative importance of the secondary criteria will vary among organizations, there is a limited amount of subjectivity in determining sub-grade.

## **PAY ADMINISTRATION GUIDELINES**

Following are some pay administration guidelines once the initial placement of employees into the new structure has taken place:

### **Market parity**

A situation may arise in which the market compensation level is not consistent with the established salary grade resulting from the formal job evaluation process used to establish internal equity. For example,

- A problem will occur with either recruitment or retention of employees in a particular job class or occupational group based on (client) compensation levels for the class or classes in an occupational group. Problems will become evident when the (client) recruits to fill a position or positions within a class and is unable to find an acceptable number of qualified applicants and the perceived reason is the compensation level for the class. Alternatively, the turnover rate for positions in a class or occupational group is unacceptably high and the reason cited for the turnover is the compensation level for the class. In either case, the (client) will initiate a market compensation study of the class to *determine how the (client) compares to other employers in its defined labor market*. It is extremely important to recognize that turnover will occur for a variety of reasons; compensation is only one reason. Recruitment of qualified individuals to fill specialized positions also involves more than compensation. Consequently, the (client) will have to assess each situation on its own merit to determine whether the problem is compensation or whether other factors exist.
- A determination is made by the (client) that a market premium is warranted. This determination should be supported by valid and current market compensation data. As stated above, the (client) will initiate a market compensation study of the class to *determine how the (client) compares to other employers in its defined labor market*. The (client) must exercise caution in using generic data or data for only a limited market segment as there will always be employers who pay more than the (client). However, since the (client) has clearly defined its labor markets, then the full market(s) should be studied to ensure that all employees in all classes are treated in a fair and equitable manner.

In these cases, the (client) should set up a market premium salary range for the established salary grade for the job classification in question.

- Note that the salary grade for the class is not changed.

## **PAY ADMINISTRATION GUIDELINES**

- The market premium salary range will remain with the position until such time as market compensation levels no longer support the premium. Should the market compensation level fall to less than the figure warranting a premium, then the premium should be eliminated and the salary for the individual position should be adjusted to fit within the established salary grade for the job classification.

## PAY ADMINISTRATION GUIDELINES

Whether or not a Market premium is warranted can be determined by applying the following two steps:

1. Calculate the difference between the established midpoint and maximum, and multiply times 1.5
2. Add this product to the midpoint

Maximum	minus (-)	Midpoint	= \$ Difference	Times (x) 1.5	Plus (+) Midpoint	= Result
---------	-----------	----------	-----------------	---------------	-------------------	----------

- If this result is less than the market median actual salary, a market premium is warranted
- If this result is more than the market median actual salary, then no market premium is warranted
- If a market premium is warranted, then the market median actual salary becomes the midpoint of the new market premium salary range

- An example of a situation warranting a market premium is shown below:

**Market Premium Warranted:**

Market median actual salary:	\$50,000
Salary range maximum for the class:	\$45,000
Salary range midpoint for the class:	\$39,000
Difference between max. & mid.:	\$ 6,000
1.5 times above difference:	\$ 9,000
Above amount added to midpoint:	\$48,000

Maximum	minus (-)	Midpoint	= \$ Difference	Times (x) 1.5	Plus (+) Midpoint	= Result
\$45,000	-	\$39,000	=\$6,000	x 1.5=\$9,000	+ \$39,000	=\$48,000

Is market median actual salary (\$50,000) larger than result (\$48,000)? **YES,**  
premium warranted

New midpoint for the class:	\$50,000
New maximum for the class:	\$57,692
(calculated at same range spread percentage of previous salary range)	

- An example of a situation NOT warranting a market premium is shown below:

**No Premium Warranted:**

Market median actual salary:	\$46,000
Salary range maximum for the class:	\$45,000

## PAY ADMINISTRATION GUIDELINES

Salary range midpoint for the class: \$39,000  
Difference between max. & mid.: \$ 6,000  
1.5 times above difference: \$ 9,000  
Above amount added to midpoint: \$48,000

Maximum	minus (-)	Midpoint	= \$ Difference	Times (x) 1.5	Plus (+) Midpoint	= Result
\$45,000	-	\$39,000	=\$6,000	x 1.5=\$9,000	+ \$39,000	=\$48,000

Is market median actual salary (\$46,000) larger than result (\$48,000)? NO,  
no premium warranted

## **PAY ADMINISTRATION GUIDELINES**

### **Structure Maintenance**

In the recommended structure, pay grade midpoints approximate the market pay trend. Accordingly, the (client) should conduct a comprehensive market compensation study at least every second year. Since this survey was conducted in 2003, the next survey should be conducted in 2005. The results of the survey should be used as the basis for adjusting salary range minimums, midpoints and maximums. The structure should be adjusted each year to reflect market pay trends.

Should the (client) not appropriate sufficient funds to grant in range adjustments in a manner consistent with the philosophy and strategies for the new compensation program than the average percentage adjustment granted, then the increases should be given as a lump-sum or bonus payment to each eligible employee rather than revising or moving the entire structure.

### **Hire/Rehire Rate**

The hiring range should be from the range minimum for minimally acceptable qualified individuals to the midpoint for exceptionally well qualified individuals. Appointment above the midpoint should require the approval of the President or VP of HR. Where a market differential applies, the salary range shall be adjusted at the minimum, midpoint, and maximum.

Based on the above, we recommend that the following policy be adopted:  
*(client) employees shall be appointed at a rate that does not exceed the midpoint of the designated salary range for the classification. The hiring rate should be the minimum of the range for minimally acceptable qualified individuals. Individuals whose qualifications exceed the minimum may be appointed at a rate above the minimum, up to the range midpoint subject to approval of the President or VP of HR.*

## **PAY ADMINISTRATION GUIDELINES**

### **Reclassification/Regrade**

We recommend that the following policy pertaining to  
Reclassification/Regrade be adopted:

*An employee who is advanced to a higher pay grade through reclassification or classification regrade shall have his/her salary set within the range of the new pay grade to one of the following:*

- a. *The minimum of the assigned pay grade; or*
- b. *At a rate between the minimum and midpoint of assigned salary range, but not to exceed the midpoint of the assigned pay range for the new job classification.*

*A reclassification/regrade that results in the placement of a lower job evaluation rating:*

- a. *An employee who is reduced to a lower pay grade by reclassification or regrade action may retain the previous rate of pay so long as it does not exceed the midpoint of the new pay range unless authorization is received from the President or VP of HR. In no case shall the salary exceed the maximum of the new pay grade.*

### **Promotion Rate**

There is a potential situation that could occur relative to the promotion of an individual in the new classification and compensation system. Accordingly, we recommend the following policy relative to the rate of pay for an individual promoted from a job having a lower maximum rate of pay to a job classification having a higher maximum rate of pay:

*An employee promoted to a position in a higher pay grade may have his/her salary established within the range of the new assigned pay grade to one of the following:*

- a. *The minimum of the salary grade (pay range); or*
- b. *Five percent (5%) above the employee's current salary. In the event that an individual is currently receiving a salary that exceeds the maximum of the salary range for the new job, then the employee shall receive no increase in base compensation.*

The reference to employee's receiving a salary that exceeds the maximum of the salary range for the new job is intended to cover any individuals who might currently be red circled because their compensation exceeds the maximum of the salary range for their current job. While this should not be a common occurrence, our objective in making this recommendation is to

## **PAY ADMINISTRATION GUIDELINES**

ensure that these situations not be allowed to continue just because an individual has been compensated above the range in the past.

### **Voluntary Reassignment**

In order to be consistent with related policies, the following policy should be adopted:

*An employee who voluntarily accepts a reassignment to a position having a classification in a lower assigned pay grade shall have his/her salary set at a rate of pay within the new pay grade providing it does not result in an increase in pay or does not exceed the maximum of the new assigned pay grade. Employees who are subsequently reclassified, or promoted back to the original classification from which they took a voluntary reassignment, may not have their rate of pay adjusted to a level above that prescribed for reclassifications or promotions.*

### **Salary Increases**

One of the major deficiencies in many compensation systems is the inability to reward an employee for exemplary performance without increasing base level compensation. Simply stated, if a manager cannot reward an employee through a merit increase or other incentive awards, the only other avenue is to manipulate the classification system by inflating job duties so as to justify an upward reclassification of the position or by promoting an employee into a higher level class even though the actual job duties are not commensurate with the new classification.

Salary advancement should be based on competent performance in the job class. Employees should only receive salary increases based on competent performance up to the midpoint of the salary range. Advancement beyond the salary grade midpoint should be based solely on performance that exceeds proficient performance levels for incumbents in the class. Employees who perform at less than proficient levels shall not receive any increase for that period. Given this strategy, we recommend that:

- *The (client) review its performance appraisal process, including the criteria and standards for measuring employee performance, to ensure that the process is job related and that the results are defensible. To the degree necessary, the performance appraisal process should be revised and those charged with conducting performance evaluations be given adequate training in the effective conduct of performance appraisals.*

An employee's progression through the salary range from the minimum to the midpoint would be based upon overall job performance which meets or exceeds job requirements. Progression from the midpoint to the range maximum would be based upon overall job performance which exceeds job

## **PAY ADMINISTRATION GUIDELINES**

requirements. Accordingly, we believe that the employees should be compensated at the midpoint if they are performing all required duties in a competent manner.

If the (client) does not desire to adopt a pay-for-performance approach, the (client) should adopt across the board increases. The increases should be based on current market movements and the same percentage increase would be granted to all (client) employees, regardless of performance.

### **New Trainee Assignments**

In order to provide opportunities for employees in lower level classifications to progress within a given class series, as well as provide individuals who might otherwise not be considered or selected for entry level positions in a class series because they do not possess the required qualifications for the class, we believe that, in appropriate situations, trainee positions for the sole purpose of gaining the minimum experience needed for eventual appointment to the class should be utilized. Trainee assignments would be used when there is an insufficient number of qualified applicants for a given class or position. This is an alternative to creating additional classifications. Accordingly, we recommend that the following policy be adopted:

*When it is deemed to be in the best interest of the (client), the Administration may authorize the appointment of a "Trainee" to fill an open position subject to the following restrictions:*

- 1. Trainees will be hired at a pay rate below the minimum of the rate of pay for the position for which training is being conducted;*
- 2. Trainee positions will not last longer than one calendar year;*
- 3. Trainees will periodically be evaluated during their training period and, if their performance is satisfactory, they will be advanced in pay at a pre-determined rate until they reach the minimum of the pay grade upon completion of their training period;*
- 4. Trainees may be terminated at any time during their training period without evidence of just cause;*
- 5. Once a trainee completes a training period and is appointed to a position, the employee must serve a full probationary period; and*
- 6. All trainee appointments will be made in writing and will outline the position for which they are training, the beginning rate of pay, the evaluation periods and criteria for periodic increases in compensation for satisfactory performance, and a statement that the employee understands that they must serve a full probationary period once they have satisfactorily completed their training period.*

**Q**uestion: Our organization is getting ready to undertake a comprehensive review of our classification and compensation system. Can you give us some guidance as to how we do this so that we end up with a successful study and not a disaster that will cost me my job?

CompDoctor™: You have obviously been witness to other organizations that have conducted such a review and we are guessing that you may have witnessed the fallout from a review that, as they say, went south. Either that, or you have been there yourself and have prior experience with a study that did not go well and now you are in a new agency and don't want to make the same mistakes twice. A very wise move!

Obviously, this is something we see happen all too often. In reviewing something in excess of 300 requests for assistance per year from agencies that want to conduct a classification and/or compensation study, we normally see some fairly typical requirements. Most common is that the request will specify the desired outcome such as a new pay plan or job descriptions. When asked how they came to that objective, the answers are all over the board. What this tells us is that somebody either decided that doing a study was a good idea or they are doing one to placate a certain constituency or stakeholder. Do they really want to do this? Probably not.

In many cases, the reason for the study is really because people do not like how the current system is being managed. Let us assure you that designing a new system to replace an old system that is structurally sound but administratively out of whack (one of those fine terms of art) is not good business. If the old system was not properly managed or administered, do you honestly think that the old problems will not recur with a new system? If the problems are administrative (like you made up jobs that were not valid simply to justify an increase in pay for someone, or placed a job into a higher pay grade when it should have been placed in a lower grade), save yourself a lot of time and money and deal with the administrative issues. In the long term, it will be far less agonizing than designing and implementing

By Jim Fox and Bruce Lawson,  
Fox Lawson & Associates LLC

a whole new program. Furthermore, you will tick off fewer people.

We are also amazed at the naivety regarding the process. Organizations will say they want to start this project no later than January 5 and have a study completed by March so that they have all the information needed for the budget for next year. This is the equivalent of deciding in September that you want to start working on a family addition so that you can have an additional tax deduction by December 31. It is usually not reasonable or doable. Other organizations will specify the exact steps they want but have not really thought through the realities of organizational change and the need to take certain steps to gain employee, supervisor, manager, and elected official buy-in regarding the study results. If vendors propose alternative approaches, they are not compliant with the agency's requirements. This impacts the process of selecting someone to guide them through the process.

One of the major pitfalls is that some organizations believe that they can achieve universal peace and love through a classification and compensation study. Until there is acceptance of the fact that it is virtually impossible to make everyone happy and that, at best, you will get 50 percent of your employees neutral to happy (thereby leaving the other half who will not be pleased with the outcome), it makes little sense to move forward with a study such as you describe. We recently had a client that wanted a comprehensive review completed including fairly substantial change to the underlying system, like new job titles, new grade structures, etc. Unfortunately, as it turned out, that meant changes to only those parts of the organization that were small or had little overall clout in the organization. Certain depart-

ments felt that they should be excluded from the study because the department head reported directly to the city council and not to the city manager, or that a department should be treated differently because it was an enterprise operation. Until those kinds of issues can be addressed, you should not move forward.

While most organizations reserve job classification as a management right (in those agencies with collective bargaining), the compensation system will ultimately become the subject of meet and confer or collective bargaining. It is essential that you at least have some sort of tacit recognition from your employee organizations as to what you want to do and why you want to do it. That does not mean that they will embrace every outcome but at least they should be a party to the process.

You asked what steps should be taken to avoid a disaster. In addition to our previous comments, you absolutely have to be intimately involved in the project. The human resources director or some other very high level manager must be the owner of the process. You cannot simply defer to an outside organization and then just assume that they will do everything. Would you hire a contractor to completely remodel your house and then just move out while the work is being done without being intimately involved? We certainly hope not. However, if you don't want to get involved and put your own stamp of approval on the process and the outcomes, then it is unrealistic to expect that you will have any control over the results.

Finally, you should make sure that this is not viewed as solely a human resources initiative. Involvement of the various stakeholders at the beginning will go a long way to gaining some degree of ownership in the results. If it is

solely an HR initiative, it helps if the HR department is viewed as well managed, progressive, a positive force for change in the agency, and well respected by all parties. Since we know that description fits most of the HR departments in the country, feel free to ignore all of the other comments we have made to this point.

This month's rule: All changes to classification and compensation systems will create anxiety. Small changes are difficult because they typically address specific issues that only affect a vocal few. Big changes are difficult because of organizational inertia and the mindset that they really do not need to change. Like harbor pilots who bring large ships through perilous waters, change agents must work with gifted navigators to get them through the process. If you do not, prepare to hit the rocks.

The Comp Doctor™ is the team of Jim Fox and Bruce Lawson of Fox Lawson & Associates LLC, a compensation and human resources consulting firm that specializes in assisting governments in fixing their compensation and classification systems. They are seriously irreverent about their specialty. You may find them on the Web at [www.foxlawson.com](http://www.foxlawson.com). If you have a question you would like to have them answer, please write to them at [jfox@foxlawson.com](mailto:jfox@foxlawson.com) or [blawson@foxlawson.com](mailto:blawson@foxlawson.com). They will try to include it in the next issue of Comp Doctor™. —N

# FIA

# SOLUTIONS

Compensation Consulting Since 1995

Volume 12, Number 2

## JOB DESCRIPTIONS: A Format You Can Use

### 8-10 Essential Functions

Link knowledge  
and skills to the  
essential functions

Include a disclaimer

Visit our website for past  
newsletters, clients in  
your area and other  
items of interest, or to  
e-mail us a question.

[www.foxlawson.com](http://www.foxlawson.com)



FOX LAWSON & ASSOCIATES LLC

COMPENSATION AND HUMAN RESOURCES ASSOCIATES

Clear, accurate, and well-defined job descriptions have been a useful management tool for human resources for many years. However, there is no one accepted or "best" format. Some organizations develop elaborate and lengthy descriptions, while others employ broad, more generic class specifications. At Fox Lawson & Associates LLC, we work with organizations to custom-tailor job descriptions to the specific format that you are looking for, while ensuring that all considerations of legal compliance are in order.

Some of the main characteristics that all job descriptions should have, no matter their degree of specificity, are:

- 1. An Accurate Job or Classification Title.** The title should describe the nature and level of work performed. It should be descriptive, gender free and simple. When you read it, you should know the character of the work (engineering, accounting, etc.) and the level of work, such as entry level, journey level, master level. Don't inflate the title, as it will cause problems later on.
- 2. A Summary.** In this section, the job description should provide a brief (3 - 4 sentence) description that describes in further detail the nature and level of work. It should state why the job exists.
- 3. Supervisory Requirements.** This should outline the job titles that the person reports to or, conversely, which report to it. This section is most commonly found in exempt jobs. It may not be found on a non-exempt job description because non-exempt jobs may operate in multiple departments where there are

different supervisory titles relationships.

**4. The Fair Labor Standards Act.** Your job descriptions should identify if the job is exempt or non-exempt.

**5. Essential Functions.** Sometimes called duties and responsibilities, this section should list the essential functions of the job. This is usually about 8 - 10 statements of what incumbents are responsible for performing. Another way to look at this is, if these duties were not performed, there would be no reason for the job to exist. Normally they are listed in order of importance, or some other logical order such as the sequence of performance. In either case, each function should be succinctly written or constitute at least 10% of an incumbent's time. Anything less than 10% is not considered an essential function according to the ADA, and therefore may not be required of an applicant to perform. They should clearly describe why the job is different from other jobs in the same family in terms of the complexity of the work performed or the character of the work.

**6. Other Duties.** In the essential functions section, it is advisable that you list the last function as "other duties as assigned" or some other disclaimer that states that the essential functions are examples of the types of duties and responsibilities that an employee will be required to perform. This statement prevents employees from demanding that everything be placed in the job description and allows some flexibility to management.

**7. Minimum Qualifications.** This section should contain the minimum level of education and

continued on next page

Fox Lawson  
& Associates LLC solves  
strategic compensation  
and human resources  
issues of organizations  
experiencing significant  
change.

We assist organizations  
to align their  
compensation, benefits  
and human resources  
systems to their  
organization objectives.

We have solutions for  
people who pay people.



**FOX LAWSON & ASSOCIATES** LLC  
COMPENSATION AND HUMAN RESOURCES SPECIALISTS

Offices:  
1335 County Road D, Circle East  
St. Paul, Minnesota 55109-5260

Phone: 800-383-0976  
Fax: 651-635-0980  
E-mail: [jfox@foxlawson.com](mailto:jfox@foxlawson.com)

P. O. Box 32985  
Phoenix, Arizona 85064-2985

Phone: 602-840-1070  
Fax: 602-840-1071  
E-mail: [blawson@foxlawson.com](mailto:blawson@foxlawson.com)

experience required to perform the work at the entry level of the job. While many supervisors want to indicate a higher level of skills, these are desired qualifications and should not be used to influence the minimum level that is required. We prefer to list equivalencies in this section, such as "...or, an equivalent combination of education and experience sufficient to successfully perform the essential functions of the job." This allows the incumbents to meet the requirements in a number of different ways and reduces the opportunities for legal challenge.

**8. Knowledge and Skills.**  
In this section the job descriptions should describe the things that the employee needs to know (knowledge) and the things the employee needs to be able to do (skills). The best way to get this correct is to link every knowledge or skill to the essential functions that have been identified earlier. If a link cannot be made to an essential function, perhaps it should not be listed in this section.

**9. Dates and Approvals.**  
Your job descriptions need to have a section that outlines who approved the job description (you don't want just anybody in the organization approving job descriptions!). In addition, you should date the job descriptions so that you can determine if they are in need of an update in the future.

To prepare good job descriptions, it is important to collect up-to-date job content information. We recommend starting with having employees fill out Position Description Questionnaires (PDQs). PDQs will collect information about

current job content—essential duties, knowledge, skills, and abilities, minimum qualifications, working conditions, and other related job information. Supervisors should review these and add comments, but should not change employee input. Then, a series of informational interviews should take place to confirm and expand on the data in the PDQs. These should include at least one representative from each job class, and often several. This level of employee participation will help to secure buy-in.

The next task is to actually prepare the written job descriptions. It has been our experience that here is where organizations often stumble and take too long. Jobs are not static—they often do not stay the same for months and years on end. So, after going through all of the trouble of collecting this information and asking for employee input, it is important to get the job descriptions prepared in a reasonable amount of time. We have assisted organizations with the collecting of information, only to watch them take years to prepare the job descriptions. By then the job content information will, in many cases, be out of date. Good job descriptions should be in a format that is concise, easy to read, not too long or short. They are an essential HR document and they should facilitate job evaluation, recruitment, organizational design and training needs.

If you need assistance in analyzing jobs and preparing new or updated job descriptions, please contact us at 800-383-0976. Jim Fox is at extension 12 and Bruce Lawson is at extension 20.



# Memo

**To:** City Council Members  
**From:** Tom Riordan, Mayor  
**CC:** Steve Nasby, City Administrator  
**Date:** March 28, 2008  
**Re:** Hospital Board Appointment

---

There is one remaining position to appoint to the Hospital Board. I have contacted Peggy Pfeffer and she has agreed to serve on the Hospital Board.

I am recommending that the Council approve the appointment of Peggy Pfeffer to the Windom Area Hospital Board.

If you have any questions, please feel free to contact me.

CITY OF WINDOM  
 FM Entry - Invoice Payment - Department Report

Ranges: Fund: (A)  
 Dept Id: (A)  
 Program: (A)  
 Vendor #: (A)  
 Invoice #: (A)  
 Schedule Journal #: (R) 11502 - 11506  
 Bank #: (A)

Options: Print Ranges/Options: Y # of copies: 1  
 Page on Department: N

Department	Vendor Name	Description	Amount
CITY OFFICE	SELECTACCOUNT	ADM FEE	86.01
		Total for Department 103	86.01*
P & Z / BUILDING OFF	MIDWEST WIRELESS	TELEPHONE	21.51
P & Z / BUILDING OFF	MN DEPT OF LABOR & I	REGISTRATION	35.00
		Total for Department 106	56.51*
CITY HALL	JUSTIN DERICKSON	SNOW REMOVAL	50.00
CITY HALL	MN ENERGY RESOURCES	HEATING	2,190.88
		Total for Department 115	2,240.88*
POLICE	LANGUAGE LINE SERVIC	SERVICE	54.06
		Total for Department 120	54.06*
FIRE DEPARTMENT	TOWN'S EDGE AUTO,	IN MAINTENANCE	45.81
		Total for Department 125	45.81*
STREET	MIDWEST WIRELESS	TELEPHONE	99.09
STREET	MN ENERGY RESOURCES	HEATING	2,270.13
		Total for Department 140	2,369.22*
PARKS	LEE'S FRAME & CRAFT	MAINTENANCE	40.47
		Total for Department 165	40.47*
		Total for Fund 01	4,892.96*
LIBRARY	JUSTIN DERICKSON	SNOW REMOVAL	40.00
LIBRARY	MN ENERGY RESOURCES	HEATING	1,490.99
LIBRARY	WORTHINGTON DAILY GL	SUBSCRIPTION	148.70
		Total for Department 171	1,679.69*
		Total for Fund 03	1,679.69*
AMBULANCE	MIDWEST WIRELESS	TELEPHONE	92.78
		Total for Department 176	92.78*
		Total for Fund 13	92.78*
MULTI-PURPOSE BUILDI	MIDWEST WIRELESS	TELEPHONE	13.77
		Total for Department 177	13.77*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 14			13.77*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	5,315.45
LIQUOR	GRIGGS COOPER	MERCHANDISE	3,681.92
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	3,613.80
LIQUOR	JOHNSON BROS.	MERCHANDISE	1,611.45
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	6,189.82
Total for Department 180			20,412.44*
Total for Fund 60			20,412.44*
WATER	H P SUDS	BILLING CONTRACT SERVICE	166.67
WATER	USA BLUE BOOK	MAINTENANCE	220.01
Total for Department 181			386.68*
Total for Fund 61			386.68*
ELECTRIC	DHL EXPRESS	FREIGHT	7.91
ELECTRIC	H P SUDS	BILLING CONTRACT SERVICE	166.67
ELECTRIC	JOHNSON HARDWARE	MAINTENANCE	11.21
ELECTRIC	BANK MIDWEST	NSF CHECK	451.06
Total for Department 182			636.85*
Total for Fund 62			636.85*
SEWER	H P SUDS	BILLING CONTRACT SERVICE	166.67
SEWER	QUEST	TELEPHONE	68.16
SEWER	MN ENERGY RESOURCES	HEATING	1,257.26
Total for Department 183			1,492.09*
Total for Fund 63			1,492.09*
ARENA	ELECTRIC FUND	MAINTENANCE	60.81
ARENA	MIDWEST WIRELESS	TELEPHONE	42.50
ARENA	JOSE COLE CIRCUS	CIRCUS	.00
Total for Department 184			103.31*
Total for Fund 64			103.31*
ECONOMIC DEVELOPMENT	AARON BACKMAN	SUPPLIES	16.68
ECONOMIC DEVELOPMENT	JUSTIN DERICKSON	SNOW REMOVAL	10.00
ECONOMIC DEVELOPMENT	MIDWEST WIRELESS	TELEPHONE	46.92
ECONOMIC DEVELOPMENT	MN ENERGY RESOURCES	HEATING	197.80
ECONOMIC DEVELOPMENT	LAMAR	SIGN RENT	325.00
ECONOMIC DEVELOPMENT	WORTHINGTON REG ECON	REGISTRATION	80.00
Total for Department 187			676.40*
Total for Fund 67			676.40*
TELECOMMUNICATIONS	H P SUDS	BILLING CONTRACT SERVICE	499.99

CITY OF WINDOM  
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
TELECOMMUNICATIONS	MN ENERGY RESOURCES	HEATING	348.35
		Total for Department 199	848.34*
		Total for Fund 69	848.34*
	AFLAC	INSURANCE	444.78
	MN BENEFIT ASSOCIATI	INSURANCE	96.18
		Total for Department	540.96*
		Total for Fund 70	540.96*
		Grand Total	31,776.27*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
CITY OFFICE	HIGHWAY SIXTY/ACTION REGISTRATION		9.00
	Total for Department 103		9.00*
P & Z / BUILDING OFF	JIM KARTES	EXPENSE	7.66
	Total for Department 106		7.66*
POLICE	TRAVEL MANAGEMENT	LEASE CAR	2,349.00
POLICE	UNICEL	TELEPHONE	277.15
	Total for Department 120		2,626.15*
STREET	REED BUSINESS INFORM AD		250.38
	Total for Department 140		250.38*
PARKS	WORTHINGTON GLASS IN REPAIR		403.77
	Total for Department 165		403.77*
	Total for Fund 01		3,296.96*
AMBULANCE	KIM POWERS	EXPENSE	16.00
AMBULANCE	JIM SKARPHOL	EXPENSE	88.57
	Total for Department 176		104.57*
	Total for Fund 13		104.57*
MULTI-PURPOSE BUILDI	ORIENTAL TRADING CO	SUPPLIES	34.60
MULTI-PURPOSE BUILDI	MN ENERGY RESOURCES	HEATING	3,498.66
MULTI-PURPOSE BUILDI	MARK PETERSON	REFUND	175.00
	Total for Department 177		3,708.26*
	Total for Fund 14		3,708.26*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	3,700.45
LIQUOR	COLLINS BROTHERS, IN	MERCHANDISE	416.81
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	5,964.40
LIQUOR	HOLINKA DISTR. CO.	MERCHANDISE	94.50
LIQUOR	JOHNSON BROS.	MERCHANDISE	495.10
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	613.05
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	1,813.44
LIQUOR	THE MN LABOR LAW POS	SUPPLIES	67.25
	Total for Department 180		13,165.00*
	Total for Fund 60		13,165.00*
WATER	H P SUDS	BILLING CONTRACT SERVICE	165.62
WATER	KEMNA-ASA AUTO PLAZA	MAINTENANCE	23.49
WATER	MN ENERGY RESOURCES	HEATING	988.19
WATER	CHERYL HARRISON	REFUND-WATER/SEWER CHGS	225.17
	Total for Department 181		1,402.47*
	Total for Fund 61		1,402.47*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ELECTRIC	H P SUDS	BILLING CONTRACT SERVICE	165.62
ELECTRIC	MIDWEST WIRELESS	TELEPHONE	89.79
ELECTRIC	HSBC BUSINESS SOLUTI	SUPPLIES	269.38
ELECTRIC	MN ENERGY RESOURCES	HEATING	987.12
ELECTRIC	BANK MIDWEST	INCORRECT ACH NUMBER	46.95
ELECTRIC	COTTONWOOD COUNTY CO	REBATE - ENERGY PROGRAM	975.00
	Total for Department 182		2,533.86*
	Total for Fund 62		2,533.86*
SEWER	H P SUDS	BILLING CONTRACT SERVICE	165.62
SEWER	MN ENERGY RESOURCES	HEATING	191.30
SEWER	CHERYL HARRISON	REFUND-WATER/SEWER CHGS	371.55
	Total for Department 183		728.47*
	Total for Fund 63		728.47*
ARENA	MN ENERGY RESOURCES	HEATING	2,816.98
	Total for Department 184		2,816.98*
	Total for Fund 64		2,816.98*
ECONOMIC DEVELOPMENT	MN ENERGY RESOURCES	HEATING	1,915.47
ECONOMIC DEVELOPMENT	HIGHWAY SIXTY/ACTION	REGISTRATION	9.00
	Total for Department 187		1,924.47*
	Total for Fund 67		1,924.47*
RIVERBLUFF ESTATES	HANEFELD CUSTOM BUIL	MAINTENANCE	90.00
	Total for Department 166		90.00*
	Total for Fund 68		90.00*
TELECOMMUNICATIONS	B B C AMERICA	SUBSCRIBER	7.50
TELECOMMUNICATIONS	BIG TEN NETWORK	SUBSCRIBER	1,589.88
TELECOMMUNICATIONS	COMCAST MEDIA CENTER	SUBSCRIBER	29.25
TELECOMMUNICATIONS	DISCOVERY DIGITAL NE	SUBSCRIBER	54.96
TELECOMMUNICATIONS	FOX SPORTS	SUBSCRIBER	4,807.36
TELECOMMUNICATIONS	H P SUDS	BILLING CONTRACT SERVICE	496.89
TELECOMMUNICATIONS	KARE 11 TELEVISION	SUBSCRIBER	284.20
TELECOMMUNICATIONS	LIFETIME	SUBSCRIBER	624.16
TELECOMMUNICATIONS	LIFETIME MOVIE NETWO	SUBSCRIBER	30.00
TELECOMMUNICATIONS	NATIONAL CABLE TV CO +		21,197.55
TELECOMMUNICATIONS	QUEST	TELEPHONE	97.95
TELECOMMUNICATIONS	RFD TV	SUBSCRIBERS	199.20
TELECOMMUNICATIONS	TOWER DISTRIBUTION C	SUBSCRIBER	209.70
	Total for Department 199		29,628.60*
	Total for Fund 69		29,628.60*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		JOHNSON COUNTY COURT PAYROLL DEDUCTION CDDMO1	1,302.00
		Total for Department	1,302.00*
		Total for Fund 70	1,302.00*
		Grand Total	60,701.64*

# Strengthening the Partnership

## Legislative Conference for Cities, Counties, Schools, and Townships

**April 9-10, 2008**

**St. Paul • Crowne Plaza**

Join nearly **1,000 city, county, school, and township officials** for this joint local government legislative conference, as together we strengthen the state-local partnership.

This is the only conference where city officials will:

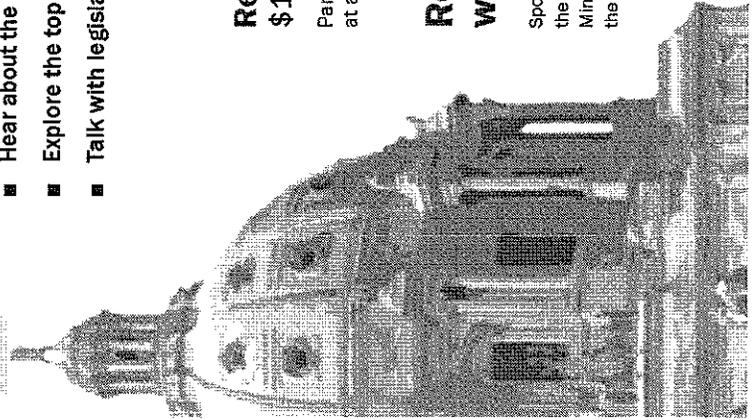
- Hear about the League's 2008 legislative priorities
- Explore the top issues affecting local governments
- Talk with legislators about common concerns

**Registration Fee:**  
**\$125 per person**

Parking is available in the hotel garage at a rate of \$12.50 per day

**Register online at:**  
**[www.lmc.org](http://www.lmc.org)**

Sponsored by the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota School Boards Association, and the Minnesota Association of Townships



League of Minnesota Cities  
145 University Ave. West  
St. Paul, MN 55103-2044  
(651) 281-1200

### Strengthening the Partnership

Legislative Conference for  
Cities, Counties, Schools, and Townships

April 9-10, 2008 • St. Paul

- Learn more about city, county, school board, and township issues that affect your community.
- Coordinate with your local government officials to make sure your community is well represented at this event.
- Register today at **[www.lmc.org](http://www.lmc.org)**

FIRST-CLASS MAIL  
U.S. POSTAGE  
**PAID**  
St. Paul, MN  
PERMIT NO. 3223

## PRELIMINARY AGENDA Legislative Conference for Cities, Counties, Schools, and Townships

### WEDNESDAY, APRIL 9

- 4:30 p.m. Check in  
 5:30 p.m. Joint Legislative Reception for  
 Cities, Counties, Schools, and Townships  
*Great River Ballroom*

### THURSDAY, APRIL 10

- 7 a.m. Check in  
 7:30 a.m. Hot Breakfast (for all four associations)  
*Minnesota Ballroom*
- 8 a.m. Welcome
- 8:15-9 a.m. Legislative Leadership Panel  
*Rep. Margaret Anderson Kelthier; Sen. Larry Pogemiller;  
 Rep. Marty Seifert; and Sen. Dave Senjem*  
 Hear legislative leaders' insights on the top issues  
 facing cities, counties, school districts, and townships  
 during this legislative session.
- 9-10:15 a.m. The Realities of State-Local Relations: How to Deliver  
 Your Message in a Difficult Economic Environment  
*Peter Leatherman, Decision Resources, Ltd.; Rep. Dennis Ozment;  
 Matt Smith, City of St. Paul Finance Director and Former  
 Department of Revenue Commissioner; Kathy Tunheim,  
 Public Relations Specialist*  
 Understand how political and economic realities shape  
 legislative priorities at the Capitol, and learn how to  
 deliver your message more effectively to successfully  
 advocate the local government agenda.

- 10:15-10:45 a.m. Break
- 10:45-11:45 a.m. Breakout Sessions for Individual Associations
- 11:45 a.m.-  
 12:15 p.m. Break

- 12:15-1:30 p.m. Lunch with Governor Pawlenty (invited)  
*Great River Ballroom*
- 1:30-5 p.m. Strengthening the Partnership at the Capitol  
 Officials meet with Senators and Representatives  
 at the Capitol (busing provided from Crowne Plaza  
 to the Capitol).
- 4-6 p.m. LMC Social Hour at Kelly Inn (optional)  
 Share stories with colleagues from throughout the  
 state and visit with legislators and League staff.

#### Conference Registration Fee: \$125 per person

#### Cancellation Policy:

All cancellation requests must be in writing, e-mailed, or faxed 7 days prior to the conference and are subject to a \$35 handling fee. All unpaid registrations not cancelled 7 days in advance will be billed at the full conference rate; no refunds will be made.

#### Questions?

Please contact Rebecca Erickson at (651) 281-1222 or (800) 925-1122, e-mail: [rebecke@lmc.org](mailto:rebecke@lmc.org); fax: (651) 215-4122.

#### Lodging Information:

Lodging is not included in the conference fee. A block of rooms is available for conference participants; be sure to mention you're with the "Joint Legislative Conference" to receive the special rate below.

Crowne Plaza Hotel St. Paul - Riverfront  
 11 East Kellogg Blvd., St. Paul, MN 55101  
 (651) 292-1900 or (866) 422-3185  
[www.crowneplaza.com/stpaul](http://www.crowneplaza.com/stpaul)

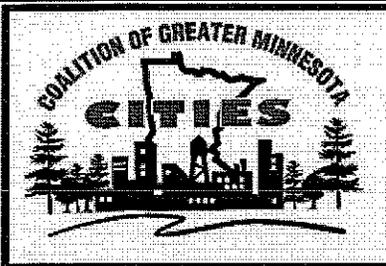
Room rates: \$134 plus tax, single/double room

Deadline for reservations: March 17

Parking is available in the hotel garage at a rate of \$12.50 per day; clearance of parking ramp is 5'9"

Register online at: [www.lmc.org](http://www.lmc.org)

Strengthening the Partnership



Coalition of Greater Minnesota Cities

# CGMC in Brief

March 28, 2008

Contact: John Sundvor  
651.225.8840

## Senate Tax Bill Contains \$70 Million For LGA, Unity Formula Changes

The Senate Omnibus Tax Bill passed out of committee today and was forwarded to the Senate floor for a vote that could come Friday or early next week.

**Tim Flaherty** praised the Senate bill, saying that it addresses the needs of lower-wealth, high-need cities that are dependent on Local Government Aid. Unlike **Gov. Tim Pawlenty's** supplemental budget proposal, the Senate bill does not cap local property tax levies. Instead, the tax bill provides property tax relief through a \$70 million increase in LGA funding in 2009.

The new LGA funding does not aggravate the state's \$935 million budget shortfall, because the money does not become available until the last half of 2009, after the start of the new budget cycle.

## House Democrats Turning Against Added LGA Funding

In the House, Democrats are still working on their tax bill. While they have decided not to raise any general state taxes, they have apparently also decided not to offer property tax relief, since their spending targets contain no money to increase LGA funding.

The Democrats are talking about generating at least \$102 million a year by closing loopholes in the Foreign Operating Corporation law, taking \$350 million from the state's cash-flow account and \$250 million from the budget reserve to fix the revenue shortfall.

The approach that is under consideration by the House is risky. With economists warning that Minnesota could be hit by a second recession, any strategy that relies heavily on the use of one-time occurring reserve funds to solve the budget shortfall could saddle the state with an even more severe crisis in the following biennium.

While the governor's plan to use Health Care Access and the reserve funds to help balance the budget is a better approach, it is still lacking.

In a recent opinion published by the Minneapolis Star Tribune, **former Gov. Arne Carlson** dismissed Gov. Pawlenty's budget-balancing plan as a "political dream" that "postpones the real crisis to the next budget cycle, which is after the November elections." It allows Gov. Pawlenty



to “fulfill his dream of going to Washington...and allows legislative incumbents in both parties to slide through the next election,” Carlson said, but the people of Minnesota lose.

If the House budget-balancing strategy or the governor’s proposal is adopted, Flaherty said, the governor will have the power to unallot spending – including spending for LGA – if the November 2008 forecast is bad. Cities should not count too heavily on receiving their December 2008 LGA payment, he said.

## **Senate Tax Committee Stops JOBZ Program**

The Senate Tax Committee took steps to curb the governor’s JOBZ economic development program today by including language in the Omnibus Senate Tax Bill that prohibits the program from extending new tax benefits to companies. The language sets the stage for shutting down the program.

During the tax committee deliberations, **Senate Minority Leader David Senjem, R-Rochester**, sought to save the program by offering an amendment to reform the program in accordance with recommendations issued earlier by the Legislative Auditor rather than eliminate it. The amendment was supported by the Department of Employment and Economic Development.

**Senate Tax Chair Tom Bakk, DFL-Cook**, said his committee will also hear a bill containing the Legislative Auditor’s recommended changes to the JOBZ program. CGMC members will be notified when that hearing is scheduled.

In the House, **Rep. Ann Lenczewski, DFL-Bloomington**, eliminates the JOBZ program in her bill to end all corporate subsidies. That bill is scheduled for a hearing at 2:15 p.m. Monday. Please contact her office if you would like to testify.

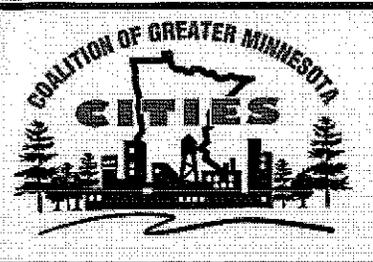
## **Economic Development Funding Lacking In Bonding Proposal**

House and Senate conferees, bowing to insistent House negotiators, apparently have agreed to provide only \$5.25 million for the Greater Minnesota Business Development Public Infrastructure Grant program..

The amount is woefully inadequate for the popular program that has provided grants for economic development projects throughout greater Minnesota. The program received \$7.75 million in the last bonding bill, and the CGMC has been advocating having at least \$10 million made available this year through a competitive application process.

The governor recommended spending \$20 million for the program this year, and the Senate bonding bill contains \$7.5 million for the business infrastructure grants.





Coalition of Greater Minnesota Cities

# CGMC in Brief

March 24, 2008

Contact: John Sundvor  
651.225.8840

## It's Easter At the Capitol; Time for Your Half-Time Report

*With the legislative session near its midpoint and the Legislature now in recess for Easter, **Tim Flaherty** offers his analysis of what has been done thus far and the challenges that remain:*

The Legislature, with bipartisan support, already has passed an historic transportation bill over the veto of **Gov. Tim Pawlenty**. Opponents reacted to the veto override by retaliating against the six Republicans who broke with their House caucus and helped Democrats pass the bill.

Since its passage, Gov. Pawlenty and opponents have been engaged in a campaign to make the transportation bill a major campaign issue in the fall elections.

Much of the governor's criticism seems to be focused on convincing greater Minnesota that the legislation favors transit and transportation programs in the Twin Cities. He maintains that because of the new transportation bill taxpayers in greater Minnesota are being forced to pay for light rail transit in the metro area.

That train left the station in 2001, when the state took over local metro transit levies. Gov. Pawlenty – then the House majority leader – was a leading proponent of having greater Minnesota taxpayers contribute to metro transit.

The transportation bill passed by the Legislature allows metro counties to impose a quarter-cent sales tax in the metro area to pay for metro transit. The **Coalition of Greater Minnesota Cities** supported the bill, because it was balanced and necessary to increase funding for roads, bridges and transit programs throughout the state.

What's next? The governor and the Legislature still have three major tasks to complete before lawmakers adjourn the session May 19. During the last half of the session, they will try to reach agreement on a bonding bill, a tax bill and ways to fix Minnesota's \$935 million budget deficit.

The House majority, an inexperienced crew with many of its members facing their first re-election campaign, seems to be in retreat since overriding the governor's veto. While the inexperience of the House DFL is the biggest unknown in assessing the Legislature's ability to find



**Continued...**

**It's Easter  
At the Capitol;  
Time for Your  
Half-Time Report**

a resolution to the state's budget deficit, it is important to remember that the governor remains inflexible and seems to be distracted by national politics. The Senate majority, however, seems to be less strident than last year, and that may help the Legislature resolve some of the remaining issues.

**Bonding**

The governor wants an \$825 million bonding bill, and the Senate and House both passed bills that are in excess of \$960 million. Next week, look for the Legislature to pass a \$925 million bill that the governor is likely to veto. Before the session adjourns, the two chambers will probably pass another bonding bill that is either at or close to the governor's \$825 million limit.

**Tax Bill**

Except for tightening some foreign operating corporation loopholes, changes that will net the state \$103 million, the governor is sticking by the no new tax pledge. Taken by itself, that is a bad omen for Local Government Aid funding, but the governor also has indicated that he is not interested in cutting local aid this year.

The Senate Tax Committee, meanwhile, is inching towards selected tax increases to fund LGA and other property tax relief programs. The House majority has not yet set a direction for its tax bill.

Look for the Legislature to attempt to negotiate a tax bill with the governor, an enterprise that is earmarked for failure. The House and Senate probably will pass a tax bill containing property tax relief, but the bill may well draw a gubernatorial veto.

**Budget Deficit**

The \$935 million deficit can be fixed by spending reserve funds, increasing taxes, reducing state spending, or shifting spending into the next biennium. It is difficult to significantly increase taxes and reduce spending in an election year. Look for the Legislature to use a combination of relatively small cuts, some spending shifts, and part of the state's \$653 million budget reserve to fix the deficit.



## House Bill Jettisons JOBZ, Other Business Subsidies

**House Tax Chair Ann Lenczewski**, DFL – Bloomington, unveiled an innovative plan to solve at least part of the state's budget deficit when her committee met Wednesday. Lenczewski proposed reducing Minnesota's corporate tax rate one percentage point to 8.8 percent and then eliminating the governor's JOBZ program and all other corporate tax subsidies.

The legislation raises \$170 million in 2009 and \$288 million in the next biennium, even at the reduced corporate tax rate. Rep. Lenczewski told the committee that she would rather cut corporate tax subsidies than higher education, k-12 education, health care and other core government functions.

Her bill does contain \$10 million in grants for JOBZ businesses to make repeal of the tax exemptions easier to accommodate. The Minnesota Department of Employment and Economic Development would award the grants based on such factors as the increased cost to business, performance under the state's subsidy agreement, and the economic distress of the area.

Other corporate tax subsidy cuts proposed in the bill are: Foreign Operating Corporations (the governor calls for a reduction of the subsidies in his supplemental budget), Foreign Royalties, Research and Development credit, International Economic Development Zone incentives, Biotechnology and Health Science Zone incentives, Bovine Testing credit, and the metropolitan airport's exemption from the statewide property tax.

## House Tax Division To Hear CGMC's Unity LGA Bill After Easter Recess

The CGMC's City Unity Proposal, which increases LGA by \$90 million, is scheduled for a hearing before the House Property Tax and Local Sales Tax Division at 10 a.m. Wednesday in room 10 of the State Office Building. The bill is carried by **Rep. Paul Marquart**, DFL-Dilworth and chair of the division. The CGMC and other city organizations will testify in support of the bill.

## 5 CGMC Cities Selected to Serve As State's Capitals

To celebrate Minnesota's 150 years of statehood, five cities were selected in five biological communities, to serve as "Capital for the Day" during the Sesquicentennial celebration. The five cities, all CGMC members, received the most votes on the statewide competition.

Cities selected are:

- **Bemidji** – May 12 (Coniferous Forest)
- **Thief River Falls** – May 13 (Tallgrass Aspen Parklands)
- **Detroit Lakes** – May 14 (Deciduous Forest)
- **New Ulm** – May 15 (Prairie Grasslands)
- **Winona** – May 16 (Driftless Area)





# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 20, 2008

Page 1

## Senate tax bill roll-out next week

Now that the first and second committee deadlines have passed, the Legislature will turn its attention to tax and budget issues. During Wednesday morning's Senate Tax Committee, chair Sen. Tom Bakk (DFL-Cook) announced his intention to unveil his initial draft of the second omnibus tax bill sometime next week, likely on Wednesday March 26.

This timeline should leave sufficient room for the Senate Tax Committee to debate and mark-up the bill and also for the inevitable conference committee activity that will occur before the end of the session as the Senate and House try to reconcile their differences.

In the House Tax Committee, Rep. Paul Marquart (DFL-Dilworth) who is chair of the Property Tax Division, indicated to League staff that he intends to release the initial draft of his property tax article in the near future, which would be processed and sent to the full Tax Committee in early April.

While the Senate Tax Committee has been holding regular hearings since the start of session, the House has yielded much of their committee time to the other policy committees whose work needed to be completed by the first two committee deadlines. In both the House and Senate, much of the Tax Committee time has been spent on local bills, many for tax increment finance projects and needed changes.

Next Wednesday, March 26, the House Property Tax Division will consider a number of LGA-related bills including bills for the cities of Lilydale, HF 2852, (Hansen, DFL-South St. Paul) and Mendota, HF 2854, (Hansen-South St. Paul); a bill that would modify the need measure used in the local government aid formula, HF 2567, (Scalze-DFL-Little Canada); a bill to change the

small city definition for aid purposes, HF 3510 (Peppin, R-Rogers); the interim LGA reform proposal developed by the city organizations, HF 3756, (Marquart, DFL-Dilworth) and a yet-to-be introduced bill to modify the LGA formula developed by the city of Fridley, HFXXXX, (Tillberry, DFL-Fridley).

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org); or Gary Carlson at 651.281.1255 or [gcarlson@lmc.org](mailto:gcarlson@lmc.org).*

## House considers bill to reduce tax expenditures

In Wednesday morning's House Tax Committee, chair Rep. Ann Lenczewski (DFL-Bloomington) presented a recently introduced bill, HF 4103, a bill that contains a number of revenue-raising provisions—not by increasing tax rates but by eliminating tax expenditures. Tax expenditures are essentially features of the state's tax system that provides preferential tax treatment for certain types of taxpayers or activities.

The bill is essentially a strategy to address at least a portion of the state's projected \$935 million budget deficit. The proposal would raise an estimated \$171 million in revenue in the current biennium by repealing many preferential corporate tax expenditures.

Specifically, the proposal would eliminate the state's foreign operating corporation (FOC) tax treatment, repeals tax incentives for research and development work and would discontinue the JOBZ program.

Although the bill is designed to increase state revenues, it would also lower the state's corporate tax rate from 9.8% to 8.8%, and eliminates the corporate alternative minimum tax. Chair Lenczewski noted that the bill would level the playing field for businesses by eliminating



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 20, 2008

Page 2

preferential tax provisions that currently only benefit some businesses and then would also give something back to all businesses by reducing their general corporate tax liability.

The Department of Revenue estimates that the bill would generate \$171 million for the current biennium and \$288 million in the FY 2010-2011 biennium.

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org).*

## **Business subsidy bill moving forward**

HF 3602 (Dill, DFL-Crane Lake)/SF 3169 (Bakk, DFL-Cook) is legislation that changes some of the definitions for the business subsidy act in Minn Stat. 116J.993-.994. It increases the amount of grant that is not considered a subsidy from state or local government from \$25,000 to \$200,000, and increases the amount of a loan that is not considered a business subsidy from \$75,000 to \$200,000. The city's business subsidy policy would still have to cover wages at the \$25,000 level, though. The House file passed the House Higher Education and Workforce Development Committee a few weeks back and awaits action on the House floor. The Senate version passed the Business, Industry and Jobs Committee Thursday and goes to the Tax Committee where it could be included in the omnibus bill that will be put together next week. The bill is brought forward by EDAM (Economic Development Association of Minnesota) and is supported by the League of Minnesota Cities.

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org).*

## **LMC Legislative Conference just three weeks away**

Register today for "Strengthening the Partnership: Legislative Conference for Cities, Counties, Schools, and Townships" to be held April 9-10 in St. Paul. This event is being hosted by the League of Minnesota Cities in conjunction with the Minnesota Association of Townships, the Association of Minnesota Counties, and the Minnesota School Boards Association. Once you have registered, make sure to contact your area school board members, township officials, and county commissioners to encourage their attendance. Effective advocates will prepare a shared set of local priorities and make travel arrangements to carpool to and from St. Paul. To learn more and register, go to [www.lmc.org/conf/legconf2008.cfm](http://www.lmc.org/conf/legconf2008.cfm). The conference agenda is online at [www.lmc.org/pdfs/Conferences/LegConf08.pdf](http://www.lmc.org/pdfs/Conferences/LegConf08.pdf)

## **Foreclosure impact on Minnesota cities**

The League recently sent out a request for information on how foreclosures have affected cities and counties. We received more than two dozen responses from cities throughout the state regarding the affects of foreclosures, what cities are currently doing to address foreclosure problems and suggestions for legislative solutions.

It appears that regardless of the size or location, cities reported similar concerns and demand on city services. Cities indicated that they are dedicating resources to address issues relating to foreclosures while seeing revenues decline due to delinquent utility payments, property tax payments and declining home values.



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 20, 2008

Page 3

With the increase in vacant and abandoned properties as a result of mortgage foreclosures, cities are now committing a considerable amount of time monitoring and addressing foreclosed homes. Public works staff are spending more time mowing lawns, shoveling snow and picking up garbage while calls for police and fire service have increased. The purchase and conversion of single family homes into rental properties was also mentioned. These rental properties are frequently not well maintained and the landlords are often difficult to locate.

A more detailed article will be included in next week's *Bulletin* containing the responses the League has received from cities regarding best practices and ongoing concerns regarding foreclosures.

*Questions? Contact Hue Nguyen at 651.281.1260 or [hnguyen@lmc.org](mailto:hnguyen@lmc.org).*

## EMAC clarification bill progresses

League-sponsored legislation to protect from liability local government employees who are deployed to an emergency in another state was approved twice in the Senate Judiciary Committee on Monday.

The Judiciary Committee agenda was packed and it appeared that the bill, SF 3119 authored by Sen. Rick Olseen (DFL-Harris), might not be considered before the second committee deadline. As a result, League staff worked with Sen. Linda Higgins (DFL-Minneapolis) to successfully amend the language of SF 3119 into a similar bill she was carrying to address the treatment of medical volunteers in interstate emergencies.

Later in the committee hearing, Sen. Don Betzold (DFL-Fridley) who has supported the League's legislation, asked the committee chair to bring up

the standalone Olseen bill, and the committee promptly approved the bill.

The House companion bill, HF 3456 authored by Rep. Ken Tschumper (DFL-La Crescent) is already on the floor for final consideration.

*Questions? Contact Gary Carlson at 651.281.1255 or [gcarlson@lmc.org](mailto:gcarlson@lmc.org).*

## Wine in grocery stores—not on the table

The perennial wine in grocery stores legislation (HF 997/SF 889) has not moved at all this legislative session, so the bill is technically dead for the biennium. The idea stalled in the House Commerce Committee in 2007, and the Senate companion committee opted to not hear the bill. There is an omnibus liquor bill, HF 3829 (Atkins, DFL-Inver Grove Heights)/SF 3672 (Skogen, DFL-Hewitt) that was put together last week, which will eventually go to the floor for debate, where a wine in grocery stores-type amendment could come up. Over the years, the League has opposed the idea of expanding sales of wine to grocery stores based on the youth access issue. Additionally, many communities rely on their municipal liquor store revenues to fund important community projects.

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org).*



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 1

## First committee deadline today

Today marks the passing of the first committee deadline—the date by which a bill, or its companion bill in the other body, must be reported out of all committees. The deadlines generally apply to policy committees but specifically do not apply to the House committees on Capital Investment, Ways and Means, Taxes, or Rules and Legislative Administration, nor to the Senate committees on Capital Investment, Finance, Taxes, or Rules and Administration.

After today, a bill is technically dead unless it is resurrected by the Rules Committee in either the House or the Senate before completing its committee journey. With 4,060 bills introduced this biennium in the House and 3,776 bills introduced in the Senate, the committee agendas this week have been packed and the hearings have been lengthy. Nonetheless, many bills will not receive the necessary hearings by the end of the day today.

The second committee deadline is next Wednesday, March 19. By that date, companion bills to bills that met the first deadline must be reported out of all committees in the other body. The House and Senate have tentatively agreed to an Easter break starting at 5 P.M. March 19 to noon March 25.

*Questions? Contact Gary Carlson at 651.281.1255 or [gcarlson@lmc.org](mailto:gcarlson@lmc.org).*

## Senate property tax panel releases their LGA recommendation

On Thursday, Senate Property Tax Chairman Sen. Rod Skoe (DFL-Clearbrook) released the

committee's property tax article containing the cities' LGA unity bill, and the full \$90 million requested for the local government aid formula, as well as our suggested formula changes. The counties get \$60 million for their county program aid, and townships get a new aid of \$5 million for their needs. The cities' unity bill was introduced as SF 3234 (Skoe, DFL-Clearbrook) and HF 3756 (Marquart, DFL-Dillworth), and has buy-in from the various city organizations.

While the Senate is sending strong messages that they'd like to fund additional LGA, it's not entirely clear how that will be paid for—so that remains the \$64,000 (or \$90 million) question. One of the revenue sources generates about \$14 million by applying the statewide business tax to electric generation machinery. Trying to fund the rest of it, will be the job of the full Senate Tax Committee, chaired by Sen. Tom Bakk (DFL-Cook), when they take up the property tax committee's work later this month.

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org) or Gary Carlson at 651.281.1255 or [gcarlson@lmc.org](mailto:gcarlson@lmc.org).*

## Governor's levy limits under discussion

The governor's tax provisions are under scrutiny in the Legislature these days, as the Senate Property Tax Committee took them up on Thursday morning, the House Property Tax Committee did on Friday morning, and the full House Tax Committee will on Monday afternoon at 2:15 P.M. Introduced just this week as HF 3967 (Simpson, R-New York Mills) and SF 3665 (Ortman, R-Chanhassen), the property tax provisions also include cuts to the renters' property tax program and a new



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 2

temporary utility replacement aid for some cities hosting a utility. Look for more detail on the levy limit discussion in next week's *Cities Bulletin*.

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org).*

## **Traffic enforcement cameras authority bill clears initial hurdles**

A bill sponsored by Rep. Paul Thissen (DFL-Minneapolis) would authorize local units of government to operate traffic light cameras. Under HF 3863, a ticket could be mailed to drivers caught on camera running a red light, but the ticket could not serve as grounds for a license suspension, and would not appear on the driver's record. The bill requires that half of the fine proceeds be used for law enforcement, with a portion targeted for emergency medical services recruitment efforts.

The bill was approved on Monday by the House Public Safety and Civil Justice Committee, and on Thursday by the House Local Government and Metropolitan Affairs Committee. A similar bill, HF 1058, also sponsored by Thissen, failed to get committee approval last year.

The League supports legislation that would grant authority for local law enforcement agencies to use photo enforcement technology to enforce traffic laws, and to issue citations for traffic violations by mail where the violation is detected with photographic evidence.

The City of Minneapolis implemented a photo enforcement system in 2005. Under the ordinance, tickets were issued to owners of vehicles photographed running red lights. It

resulted in a 30 percent drop in crashes at intersections with the cameras. The ordinance was repealed after it was ruled unconstitutional on the grounds the city could not prove *who* was driving the vehicle.

The language in HF 3863 provides explicit authority and statutory guidance that would allow cities to implement photo enforcement ordinances that meet constitutional tests.

The Senate companion, SF 3656 (Higgins, DFL-Minneapolis), has not yet been scheduled for a hearing in the Senate Transportation Committee, where it must be heard by the middle of next week in order to remain viable this session.

*Questions? Contact Anne Finn at 651.281.1263 or [afinn@lmc.org](mailto:afinn@lmc.org).*

## **Surcharge reduction bill passes, fiscal impact issue unresolved**

A bill that would dramatically reduce the surcharges on criminal offenses, including traffic offenses, passed on Monday out of the Senate Judiciary Committee. SF 2644 (Moua, DFL-St. Paul) reduces various criminal justice-related fees that were enacted in recent years in response to budget shortfalls. The bill reduces:

- the DWI driver's license reinstatement surcharge from \$430 to \$50;
- the surcharge on criminal and traffic offenses from \$72 to \$35; and
- various fees related to the judiciary, including the appeal fee for small claims in tax cases, the filing fee in civil cases, the fee for issuing a subpoena, the fee for issuing writs of attachment, injunctions, habeas corpus writs, and the fee for



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 3

recording notary commissions.

The bill also eliminates the \$4 surcharge for parking related offenses.

The bill's author noted that the surcharges have been criticized for being too large—in some cases larger than the base fine. This is the case for minor moving violations, where the fine is approximately \$40, and the surcharge is \$72. The costly surcharges have been a factor in the desire by local units of government to issue their own traffic tickets for minor moving violations.

Sen. Moua also stated in the Monday hearing that the myriad of court fees the state has imposed has made the legal system financially inaccessible for some people. The bill passed in spite of concerns that it creates a \$107 million hole in the state's already-ailing general fund. It is awaiting action in the Senate Transportation Committee.

The House companion, HF 3604 (Lesch, DFL-St. Paul) has not received a hearing in the Public Safety Finance Division, where it was referred on introduction.

*Questions? Contact Anne Finn at 651.281.1263 or [afinn@lmc.org](mailto:afinn@lmc.org).*

## Bonding behind the scenes

The ever-popular omnibus bonding bill is in a little bit of a standstill during this busy deadline week. The House and Senate have each appointed their conferees, but have yet to call an official meeting of the conference committee. Those House members are: Reps. Hausman (DFL-St. Paul), Scalze (DFL-Little Canada), Solberg (DFL-Grand Rapids),

Tingelstad (R-Andover), and Wagenius (DFL-Minneapolis). Senate's appointments include: Sens. Langseth (DFL-Glyndon), Koering (R-Fort Ripley), Pappas (DFL-St. Paul), Scheid (DFL-Brooklyn Park), and Tomassoni (DFL-Chisholm). As it stands, there is pressure on the Senate to cut back on their bill as it has a higher price tag than the House companion. The omnibus bills are HF 380 (Hausman, DFL-St. Paul) and SF 3295 (Langseth, DFL-Glyndon).

*Questions? Contact Jennifer O'Rourke at 651.281.1261 or [jorourke@lmc.org](mailto:jorourke@lmc.org).*

## Administrative fines issue heard and stalled—again

Another hearing on the issue of administrative fines for traffic enforcement was held on Tuesday, this time in the Senate Transportation Committee. The bill, SF 1008 (Fischbach, R-Paynesville) would give local law enforcement agencies limited authority to use administrative fines for moving violations such as speeding under ten miles per hour above the limit. The bill, which was supported by the League and the associations representing police chiefs and county sheriffs, was defeated on a tie vote.

The hearing was one in a series of bills that would clarify whether cities and counties have authority to issue their own traffic tickets. The defeat was somewhat unexpected because the same committee amended a bill (SF 155, Foley, DFL-Coon Rapids) in 2007 that would prohibit the use of administrative fines for traffic to explicitly *allow* the practice. Subsequently, Sen. Foley attempted to amend his bill back to its original form in the Senate Judiciary Committee, and the amendment failed. Sen. Foley then tabled his bill.



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 4

The recent outcomes mean that the Legislature may not clarify this issue in the current session. Earlier this session the House Public Safety and Civil Justice Committee heard the companion to the Fischbach bill to allow administrative fines for traffic enforcement, HF 847 (Hosch, DFL-St. Joseph). After brief discussion, a motion to pass the bill to the Public Safety Finance Division without recommendation failed. House committees have also failed to pass legislation that would prohibit use of administrative tickets.

The bills attempt to address a dispute that has existed since 2003 when former State Auditor Patricia Anderson and some legislators criticized cities for using administrative fines for low-level speeding violations. Both former Auditor Anderson and former Attorney General Mike Hatch issued statements essentially stating cities do not have authority to use administrative penalties to enforce state traffic laws.

The League's position acknowledges ambiguity in the law and requests that the Legislature give cities some limited authority to use administrative fines for traffic enforcement.

*Questions? Contact Anne Finn at 651.281.1263 or [afinn@lmc.org](mailto:afinn@lmc.org).*

## **Fireworks bill removed from agenda**

A bill that would increase the legal amount of explosives in fireworks was removed from a hearing agenda of the Senate Commerce and Consumer Protection Committee on Thursday after the League expressed concerns. SF 3279 (Sparks, DFL-Austin), would increase from 200 to 500 the grams of chemical mixture

allowed in the non-aerial, non-explosive fireworks that are legal in Minnesota.

According to data provided by the Minnesota State Fire Marshal Division, injury trends and dollar losses related to fireworks incidents surged after the consumer fireworks ban was lifted by the Legislature in 2002. Hospital reports reveal that the annual number of injuries caused by fireworks rose dramatically in 2002 and remains elevated.

The League opposed the 2002 legislation that lifted the fireworks ban that existed in Minnesota since 1941, and has since sought repeal of the 2002 law.

The House companion to SF 3279, HF 3568 (Dill, DFL-Crane Lake) has not been scheduled for a hearing. The League does not expect either bill to advance this session.

*Questions? Contact Anne Finn at 651.281.1263 or [afinn@lmc.org](mailto:afinn@lmc.org).*

## **EMAC clarification bill meets committee deadline**

The League-sponsored legislation to protect from liability local government employees who are deployed to an emergency in another state, was approved on Wednesday in the Senate State and Local Government Operations and Oversight Committee and on Thursday by the Minnesota House Public Safety and Civil Justice Committee.

The House bill, HF 3456 authored by Rep. Ken Tschumper (DFL-La Crescent) now goes to the floor for final consideration. The Senate companion bill, SF 3119 authored by Sen. Rick Olseen (DFL-Harris) should be considered



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 5

early next week in the Senate Judiciary Committee.

Pete Tritz, Administrator of the League of Minnesota Cities Insurance Trust, and Ann Gergen, Associate Administrator of LMCIT testified in support of the bills. Their testimony highlighted the fact that that state employees deployed outside Minnesota are currently protected from liability claims under an inter-state agreement known as the Emergency Management Assistance Compact (EMAC). However, without the clarification contained in HF 3456 and SF 3119, local government employees, who are those who most frequently respond to inter-state emergencies, are not explicitly covered and are not considered agents of the requesting state for tort and immunity purposes under EMAC.

*Questions? Contact Gary Carlson at 651.281.1255 or [gcarlson@lmc.org](mailto:gcarlson@lmc.org).*

## **Open meeting law data practice bill modified**

Legislation initiated by the Minnesota Newspaper Association was amended in the House Public Safety and Civil Justice Committee and the Senate Judiciary Committee late this week to remove an objectionable provision that would have allowed the award of attorney fees against an individual in the case of unintentional violations of the open meeting law.

The bills, SF 3120 authored by Sen. Don Betzold (DFL-Fridley) and HF 3367, authored by Rep. Gene Pelowski (DFL-Winona) would still modify state statute to give deference to Information Policy Analysis Division (IPAD) opinions in open meeting law cases and would

require the electronic recording of closed meetings except meetings closed for attorney-client discussions.

The League initially opposed the draft bill circulated by the Minnesota Newspaper Association. Original drafts of the legislation included provisions for the mandatory award of attorneys fees of up to \$25,000 for non-compliance with the open meeting law and data practices act; and mandatory tape recording requirements for closed attorney client discussions. The bill was modified prior to introduction and was further modified by Sen. Betzold to address many of the League's concerns.

League staff worked with the Minnesota School Boards Association and the Minnesota Association of Townships to secure the amendments to remove the attorney fee provision. Rep. Deb Hilstrom (DFL-Brooklyn Center) and Sen. Linda Scheid (DFL-Brooklyn Park) offered the amendments.

*Questions? Contact Gary Carlson at 651.281.1255 or [gcarlson@lmc.org](mailto:gcarlson@lmc.org).*

## **Statewide building code bill makes progress**

A bill making the building code the standard that would apply statewide, authored by Rep. Al Iuhnke (DFL-Willmar) and Sen. Tom Bakk (DFL-Cook) is on the House floor and making its way through Senate committees.

SF 3291/HF 3574 would establish the State Building Code as the standard for all new construction and remodeling of all buildings regulated by the State Building Code in all municipalities, regardless of population.



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 6

Currently, cities in the metropolitan area are required to administer and enforce the state building code. Many cities in Greater Minnesota do so voluntarily. The building code remains a local option for cities with a population under 2,500, located outside the metropolitan area, and where voters have approved an exemption from the state building code. This bill does not require enforcement by those municipalities that are not currently enforcing the state building code unless they choose to pass an ordinance to enforce the State Building Code in their municipality. This bill would clarify that municipalities that are currently enforcing the State Building Code could not repeal it unless they are under 2,500 population and located outside of a metropolitan county as defined in Minn. Stat. §3.121, subd. 4. All exemptions listed in current law remain.

The League has worked with the authors of the bill, the Department of Labor and Industry and the Builders Association of Minnesota to address concerns and avoid unintended consequences relating to reimbursement of costs associated with enforcement of the building code.

HF 3574 is currently awaiting action on the House floor. SF 3291 has been referred to the Senate State and Local Government Operations and Oversight Committee.

*Questions? Contact Hue Nguyen at 651-281-1260 or [hnguyen@lmc.org](mailto:hnguyen@lmc.org).*

## **Utility disconnections notification**

A bill allowing cities to obtain information regarding utility disconnection during cold weather months has been passed to the House

and Senate floor. With the surge in home foreclosures and increase number of abandoned and vacant properties many cities have experienced increase demand for services to remediate the properties. The number one concern the League has heard from cities is the need for access to information regarding utility disconnection especially during the cold weather months. Cities are being called to homes where pipes have frozen and burst because homeowners abandon the property without properly winterizing their homes or informing cities of the need to shut off the water.

The League worked with Sen. Leo Foley (DFL-Coon Rapids), Rep. Mike Nelson (DFL-Brooklyn Park), and representatives from utility companies throughout the state to reach an agreement that would allow utility companies to share disconnection information with cities.

SF 2775/ HF 3229 states that between October 15 and April 15, utility companies that disconnects a customer's gas or electric service must provide notice and a residential address to any city that requests the information. The information would be made available on October 15 and November 1 of each year. Daily updates after November 1, would also be available if a city desired. Recognizing the sensitivity of customer information, all data would be considered private. Members of the committees these bills were referred to, understood the need for this information and passed the bills with bipartisan support. These bills now await action on the Senate floor.

*Questions? Contact Hue Nguyen at 651.281.1260 [hnguyen@lmc.org](mailto:hnguyen@lmc.org).*



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 7

## Street improvement district bill fails to make key deadline

Efforts to pass a bill that would provide an alternative to special assessments for street improvements have all but ended for the 2008 Legislative Session. The bill, HF 3248, authored by Rep. Bev Scalze (DFL-Little Canada), would authorize cities to establish street improvement districts and collect fees from property owners within the district to fund municipal street maintenance and upgrades.

Last week, the House Local Government and Metropolitan Affairs Committee tabled the bill after representatives of various business groups testified against the bill and distributed a document stating, among other things, that cities would use the tool as "an end-run around requirements imposed on cities under the special assessments laws designed to protect property tax payers."

The Senate companion, SF 2937, is being carried by Sen. Rick Olseen (DFL-Harris). It was scheduled for a hearing in the Senate Committee on State and Local Government Operations and Oversight for this Wednesday, but was removed from the agenda. Under the joint rules of the Legislature, if the bill does not pass out of a policy committee in either body by the end of this week, it will not be allowed to advance this session.

*Questions? Contact Anne Finn at 651.281.1263 or [afinn@lmc.org](mailto:afinn@lmc.org).*

## League sponsored charter legislation makes deadline

Legislation that addresses the issues of dissolving charter (study) commissions,

compensation for necessary charter commission expenses and the number of signatures necessary to petition to reverse a charter amendment adopted by ordinance has made it through committees in both chambers by today's deadline and, as a result, will be considered for final adoption this session.

HF 3904 (Tillberry, DFL-Fridley)/SF 2654 (Betzold, DFL-Fridley) has been approved in the local government committees in both the Minnesota House of Representatives and the State Senate and are being reported to the floor of both bodies for final action.

As introduced, HF 3904 and SF 2654 provided for the following changes to the exercise of statutory and local home rule authority:

- Allow five percent of registered voters in statutory cities to petition for a referendum on the discharge of a charter (study) commission in addition to the current method that permits only a three-fourths vote of members of the commission to dissolve the commission even if the voters have turned down the adoption of a proposed charter for their city;
- Increase necessary charter commission expenses from the current limit of \$1,500 per year to \$5,000 to be paid by the city;
- Require that a petition signed by at least five percent of the registered voters in the city (rather than the current two percent of the number of voters in the city who voted in the most recent state general election) to call for a referendum to reverse a charter amendment by ordinance upon the unanimous vote of the city council.



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 8

As the legislation emerged from committee, differences between the two versions will need to be reconciled during or after action on the floor of both bodies. HF 3904 contains only the petition requirement for a referendum on a charter change, while SF 2654 contains provisions on an alternative to the current method of dissolving a charter (study commission and a new threshold for petitioning for a referendum on a charter amendment adopted by ordinance.

It appears likely that the Legislature will not consider further this session the League's proposal to increase charter commission expenses that cities pay. That result is primarily due to caution on the part of legislators concerned that in 2007 the governor vetoed free-standing legislation that addressed that same matter. It was the League's hope that as part of a more comprehensive set of proposed changes to state policy on home rule charter authority that the governor would be supportive this year. But clearly, legislative committees that reviewed the bills this session did not want to risk a veto of provisions calling for new charter dissolution and referendum provisions. The House also has stand-alone legislation (HF 762 (Simon, DFL-St. Louis Park) already on the floor that gives voters opportunity to vote to dissolve a charter study commission on the same terms as SF 2654.

*Questions? Contact Ann Higgins at 651.281.1257 or [ahiggins@lmc.org](mailto:ahiggins@lmc.org).*

## Protection of public hunting areas

Wildlife Management Areas (WMA) are parcels of state land purchased and managed to provide public hunting access. In some cases, the non-state land bordering those areas has

experienced significant development, sometimes right up to the border of the public hunting lands, severely limiting the land's continued use for that purpose. In some cases, citizen concern over noise or the presence of hunters has caused local governments to adopt ordinances that prohibit the discharge of firearms, the ability to allow dogs to run unleashed, and other activities that are otherwise specifically allowed by the state on WMA lands if done according to state hunting and WMA regulations.

This issue was rising in profile last year and was the subject of interim meetings with local government organizations, builders, and the Department of Natural Resources. While the discussions were helpful, consensus recommendations for changes were not reached. Legislation was proposed late this session, SF 3690 (Sen. Chaudhary, DFL-Fridley) to take steps to restrict development in areas adjacent to a WMA, primarily by requiring a 150 foot buffer where no new structures could be built and requiring pre-existing vegetative cover to be undisturbed for the first 100 feet of that buffer. The bill also exempted a WMA of 160 or more contiguous acres from local ordinances that would restrict the use and management of the land as authorized in state law. Lesser exemptions from local ordinance were made for a WMA of 40-160 acres. A WMA of less than 40 acres would continue to be subject to any applicable local ordinance. The bill also allowed the Department of Natural Resources to purchase land for additions to two specific areas in Anoka County without needing to receive approval from the county.

The League and the Association of Minnesota Counties jointly testified about their concerns



# -FridayFax-

*A weekly legislative update from the League of Minnesota Cities*

March 14, 2008

Page 9

with this legislation, while being clear about our support for public hunting access and for state investment in those resources. The author made a number of concessions through an amendment to attempt to address local governmental concerns on this bill, but all of the language on these issues was eventually removed from the Senate Omnibus Environmental Policy bill. Interim discussions will need to occur to look for acceptable ways to balance development and community concerns with protection of the use of state land for the public hunting purpose for which it was purchased and managed.

*Questions? Contact Craig Johnson at 651.281.1259 or [cjohnson@lmc.org](mailto:cjohnson@lmc.org).*

## Town hall meetings

Town hall meetings are a great chance to meet with your legislators and tell your city story. Upcoming meetings in a city near you include:

Mar 15 in **Hastings** (City Hall, 101 4th Street, from 9am) with Sen. Katie Sieben and Rep. Denny McNamara

Mar 15 in **St. Paul** (Hillcrest Community Center, 1978 Ford Parkway, 10am) with Rep. Michael Paymar

Mar 15 in **New Brighton** (Freedom Park Neighborhood Center, 2121 14th Street NW, 10am) with Rep. Kate Knuth

Mar 15 in **Cottage Grove** (Park Grove Library Meeting Room, 7900 Hemingway Ave S, 11:00am) with Sen. Katie Sieben, Rep Karla Bigham and Rep. Denny McNamara

Mar 15 in **Afton** (Afton House Restaurant, 1pm) with Rep. Denny McNamara

Mar 18 in **Rochester** (Rochester Community and Technical College, Coffman Building, Rooms 206 and 208, 851 30th Southeast, 1pm) Education & Workforce Development Summit hosted by U.S. Congressman Tim Walz

## Stay informed

One great way to stay informed (in addition to regular reading of League publications) is to read the non-partisan magazines of the House and Senate. The House publication, Session Weekly, can be found online at [www.house.mn/hinfo/swmain.asp](http://www.house.mn/hinfo/swmain.asp). You can sign up to receive a hard copy delivered by mail to your home at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp). In the Senate, Senate Briefly can be found at [www.senate.mn/briefly/](http://www.senate.mn/briefly/). You can watch House floor sessions at [www.house.mn/htv/schedule.asp](http://www.house.mn/htv/schedule.asp), sign up for email updates on specific bills at [www.house.mn/leg/billslogin.asp](http://www.house.mn/leg/billslogin.asp), and sign up for email updates on specific committees at [www.house.mn/maillist/maillinglist.asp](http://www.house.mn/maillist/maillinglist.asp).