

COMMITTEE ON PERSONNEL/INSURANCE

December 1, 1997

6:30 PM

Chairman Reiniger called the meeting to order.

The Clerk called the roll.

Present: Aldermen Reiniger, Domaingue, Cashin, Robert, Hirschmann.

Messrs.: Alderman Wihby, Asst. Solicitor Arnold, Mark Hobson,
Kevin Clougherty, and Janelle Larocque

Chairman Reiniger addressed Item 3 of the Agenda:

Report of City Solicitor relative to Finance Department/HTE Conversion
Overtime, if available.

The report was distributed to the committee.

Mr. Hobson asked if everyone had a chance to read the report and whether or not anyone had any questions.

Alderman Cashin asked whether or not some of the people in the report were not entitled to the increase.

Mr. Hobson noted that according to the ordinance that is correct.

Alderman Cashin asked if we know which ones are and which ones are not entitled to it.

Mr. Hobson answered that he has not had a chance to review the positions in detail. As you can see the ordinance refers to administrative regulations. I had spoken to Mr. Moran about trying to obtain those. He said that if they exist they are probably buried and he did not know if he could find a copy. Since the ordinance does provide that executive, administrative and professional personnel are not entitled to overtime at least on the ordinance, I would assume that that

includes the Deputy Finance Officer. As for the rest, I am not familiar with their positions to be able to cast an opinion.

Alderman Cashin noted that the Deputy Finance Officer received \$23,341.77 in overtime. Is that right?

Mr. Hobson replied that those are the figures he has and that Diane approved. He has to rely on her statement as to that.

Alderman Cashin asked if it was Mark's recommendation that he is not entitled to it.

Mr. Hobson stated that pursuant to the ordinance he is not entitled to it.

Alderman Cashin asked what recourse we have.

Mr. Hobson answered that the recourse is up to the committee. Certainly, they could make a direct that no future overtime be paid to inappropriate personnel. As for past payments, I think that is a decision of the committee.

Alderman Cashin asked if we have fiduciary responsibility to see if we can at least recoup the money that has been paid that they are not entitled to.

Mr. Hobson stated that they do have a fiduciary responsibility. He is not sure if in terms of a strict fiduciary responsibility at this time and recouping, obviously there are factors on both sides to be considered, but yes you have a fiduciary responsibility for public funds. From a department head perspective, and I realize that the City Solicitor's opinion differs, the department heads received a notice from Connie Roy that informed and I was at the School Department at that time, that informed us of guidelines that we would have to follow in order to pay folks overtime, whether they were non-exempt or exempt. On March 28 we received a second memorandum that told us who was exempt employees or what positions were exempt and what positions were administrative and what positions were professional. Then it outlined how those people would be paid and under what regulations. So people at the department head level were under the understanding that these were the guidelines that we were to follow. Now if you read the cover memo from March 26, it states that the guidelines were discussed and approved, whatever that means, as a result of a meeting with Mayor Wieczorek, the Finance Director, the Info Systems Director and the Personnel Director. I asked the City Clerk's Office today to research whether or not these guidelines went to the Personnel Committee when they were written for some kind of review or approval and as of 4 p.m. or 5 p.m. today the guidelines could not be found in Personnel

Committee minutes. So for every department head who approved payment to exempt employees they were following the directive that was laid out for them. And for the employees who worked the overtime they were following a directive that their department head thought was following.

Chairman Reiniger asked Mr. Arnold if it is his opinion that this should have come to this committee, that this policy should have been ratified by this committee and the full Board.

Asst. Solicitor Arnold replied that for a payment of overtime to Executive Administrator Professional Personnel, yes.

Alderman Domaingue asked who wrote the memo.

Mr. Hobson replied that it was written by Connie Roy who I think was Assistant Director or Affirmative Action Officer for Personnel.

Alderman Domaingue asked if it was through this memo that the department heads received the information that they could go ahead and schedule overtime for employees.

Mr. Hobson answered right, for example it stated that if you were an exempt employee the process to be paid for overtime is that from the 36th or the 41st hour if you are a 35 or 40 hour per week employee. To the 50th hour worked, the employee will be compensated at straight time and any hours worked from the 51st hour on will be compensated at time and one half. Now this is only for this project. So, they couldn't state that because of the HTE project they had to do their other work overtime. It had to be specific on the HTE project and it also outlined how you were supposed to get that approved. So that is what most of the department heads acted on I would imagine.

Alderman Domaingue asked how were the executive employees approved.

Mr. Hobson stated that they were to follow this litmus test of listing exempt employees that were executive and if you looked through this test and then compared it to the memo it basically said...Mr. Hobson left the meeting to answer an important phone call.

Alderman Hirschmann asked Asst. Solicitor Arnold about under subheading A of overtime compensation it talks about administration where all the department heads did keep records of the overtime and this HTE project was a project that everyone knew about, wouldn't it qualify under that subheading A as a project.

Asst. Solicitor Arnold answered no, you can see where it says salaried employees except executive, administrative or professional positions. Except.

Alderman Hirschmann stated that it says in an emergency a department head may prescribe reasonable periods of overtime work to meet operational needs which this was needed.

Mr. Hobson asked what they were reading.

Alderman Hirschmann responded he was reading A.

Asst. Solicitor Arnold answered that you have to read that in the context of B which provides overtime compensation for salaried employees.

Alderman Hirschmann noted that subheading A is before that.

Asst. Solicitor Arnold responded yes.

Alderman Hirschmann said so we are not getting into B we are talking about A. They put that first for a reason.

Mr. Hobson noted he specifically put a call out to Mr. Moran who was Personnel Director at that time to tell me when he sent a cover memo and it said that it was approved, that this document that Connie Roy presented, I said what did it mean that it was approved. He said that to the best of his knowledge it only met that it was approved by the Mayor's Office but that he copied the Personnel Committee on the memo and that he did not believe that, and at the time they did not believe that it violated the ordinance so it was not sent to the Personnel Committee and the Board of Mayor and Aldermen for a ratification. That is what that call was about.

Alderman Domaingue said and when you say that it did not violate the ordinance, which version of the ordinance are you referring to.

Mr. Hobson replied that he believes they are only talking about overtime. The piece in 33054 that talks about overtime compensation. The Solicitor's Office quoted me 33054B.

Alderman Domaingue asked over what period of time this overtime was paid for the HTE. Alderman Cashin referred to a \$23,000 figure.

Alderman Cashin replied from March of this year.

Mr. Hobson added from March until about a week or a week and a half ago.

Alderman Cashin noted 580 hours to be exact. That is fourteen and a half weeks I believe.

Alderman Domaingue asked Mr. Hobson if he referred to whether or not this committee would justify payment and the question of whether or not we could be compensated back for the money that was expended. What, in your opinion, would justify our reclaiming the monies already paid out.

Mr. Hobson replied that whether the committee wants to seek reimbursement or not is a policy decision to be made by the committee. If you are talking about the specifics of how that would be done, I respectfully suggest that you recess to meet with counsel.

Alderman Domaingue stated that it is her understanding as a member of this committee that they were never given the complete information as provided by the Personnel Department heads as to who could claim overtime. Is that correct?

Mr. Hobson answered that the previous Personnel Director thought you were copied on it but it was not a voted decision. It was not something you were asked to vote on.

Alderman Robert stated that under Item 8, first sentence, "in emergencies" his first question would be could this be categorized as an emergency. In emergencies the department head may prescribe reasonable periods of overtime work to meet operational needs. Would this situation fit this? Was there some special knowledge required that made this situation fit this one particular sentence? I guess maybe I should ask the Finance Director but I would prefer to hold off my question until we pick things apart and he can speak for himself. My second question, the second paragraph, "such overtime shall be reported and justified as required by the Mayor" is this to assume that this department head would make this decision in conjunction with the Mayor? Does this say that the Mayor has to sign off on this? Does this say that the Personnel Committee has to sign off on this? I am not sure. I am sure they can answer these afterwards. Item B "when salaried employees in a position assigned to salaried schedule except executive, administrative, executive positions as defined" talks about compensation for extra. I am just trying to think did this situation, if categorized as emergency, would there be exceptions at all. The ordinance seems to be thought out, but for some reason the situation I am not so sure if it fits but maybe this could have been a judgment call.

Mr. Hobson replied that the form they had to use required the Mayor's authorization for overtime and his department sends the Mayor any information regarding overtime for all employees.

Alderman Robert asked if the Mayor okayed this.

Mr. Hobson answered that he can't tell you if every department had the Mayor's authorization but he can tell you that the form they had to use as a department head had to have the Mayor's authorization.

Mayor Wieczorek answered that on an overtime form you have three signatures. One is the department head who is the one who is authorizing or asking for the overtime, two you have the Personnel Department also sign off on it, and third the Mayor then signs the form too. So you really have three people who look at it.

Chairman Reiniger asked the Mayor if he has any opinions on this and what he would like to see done.

Mayor Wieczorek stated that he is looking at the HTE product and knowing what we have been through with Systems Advisory. When you look at the magnitude of the project we were undertaking, I don't see anyway you would have possibly been able to get this done without the people that really understand what is going on with the system, part of the system. Presumably everybody that is working has a full day's work. When you are talking about doing something else, that is something in addition to what you normally expect them to do. That is the reason why they did work overtime. Secondly, I think in many of the departments you had a lot of the department heads that were authorizing the people that were responsible for handling their computer information were the people that were going to be working with the system because this is only the people who were going to have to do it when they finally got it done. So, I don't see how you could have had a lot of temporary people come in and do the entry work that had to be done or bring along the stuff that had to be done and leave the experienced people out. It is critical that you put the right information in or else you are not going to get very good information coming out and we have had that experience with entry-level people that they don't put the right information in and we've got a problem. So, I think we had to depend on the people who were here in the city working with the old system, working with the new system to become acclimated to it and to help work through all of the bumps that you are going to have because I don't believe there is any transition that can take place of this magnitude where you are not going to have some problems or you are going to have to be bringing... you know someone is going to have to do the work.

Alderman Robert asked if he could assume, looking at the ordinance, that this could have been considered an emergency, this could have been construed as an emergency by somebody in a position to make a judgment call.

Asst. Solicitor Arnold replied that he has not had time to research that question, but it would appear to him that where you have a group get together and plan for overtime over a course of a period of months that that would not constitute an emergency.

Alderman Domaingue asked if someone was saying that the overtime was a planned event for a series of several months.

Asst. Solicitor Arnold replied that he thinks that is probably the case. You have the memo there in front of you.

Alderman Domaingue asked if someone could at least give us a yes or no on that and a definitive answer. I don't think that's a difficult question. Was this a planned event and did they know that this overtime would be planned for several months.

Mr. Hobson replied that on Systems Advisory Committee which he sat on he was told that we would incur overtime probably for several months and that it was put into part of the budget for the project under the bond.

Alderman Domaingue stated then it was really not, it is up to the rest of the committee members but I don't see that as an emergency. An emergency is when something goes totally down and you have to bring people in to fix it. Can we hear from the Finance Director?

Alderman Robert stated that in dealing with the personnel ordinance in the past and knowing that there was a change in people heading that department I guess couldn't this in anyway have resulted from that change with any ambiguities in the personnel ordinance?

Mr. Hobson asked if he was referring to the one that the Board adopted.

Alderman Robert replied no. The personnel ordinance conflicts, it is not quite right. If you go through the personnel ordinance you will know what he is talking about. Not to say that you haven't but I just want to make sure that one person didn't read something and think something and what they were doing was right when it was wrong. My second thought was could this have been a result of the

changing of the guard sort to speak at the Personnel Department. Did somebody in Personnel not recognize what was going on, not realize what was going on before and after the fact that maybe should have?

Mr. Clougherty stated that he was just getting this tonight, but I can give you my understanding of what transpired. As you know, the HTE project was something that was a collaborative. It was done by the departments and involved the departments. Mark and the Systems Advisory Committee wanted to make sure that the key people in the departments were actively involved in getting this system installed. Perhaps the most critical piece of the system involves the installation of the chart of accounts, which is almost exclusive to the Comptroller operation which Randy has. There was never a question in our mind that he was the person who should be doing that and that is who you wanted if it were your own corporation or any other operation of a municipality to be involved. It should be the Comptroller and it should be the people at Info Systems, the Rick Linder, it should be the Claire Brooks, it should be the high ranking people who are putting in these things to make sure it is right. You don't want low level clerks putting in important, sensitive structure because it is going to have problems. There were some concerns at that point as to the amount of time because what you are talking about here is the overtime that went on HTE. That doesn't include all the other overtime that these people put in during that same time period that they didn't get paid for that was associated with the budget and with all the other things we normally do. Our days are not 9 a.m. to 5 p.m. So all those other things had to get done and we wanted to get this project up and running in a reasonable time-frame. So, the Mayor convened a meeting with myself, Diane Prew and Hugh Moran to see what is procedure. Connie and Hugh did a lot of research on this. We relied on them, they are the personnel experts. They came back and said here is the procedure and that is the procedure we followed. In following that procedure we made sure that we did document all the hours, that we did make sure that not only were the hours put in, but there were levels of accomplishment and product oriented types of things. We did report to the Mayor and I believe over the last several months to the Board letting you know that we were making progress on the installation having people work at night and we were letting people understand that we were moving this thing. We followed the procedure that they gave us. If Personnel did not check the ordinances and didn't check with the Solicitor then we didn't do that. Our understanding was that we were following these things in order to comply with the laws and with the federal labor requirements because you've got people putting in an extraordinary amount of time to accomplish a vitally important city mission and you want it done right and they were the right people to be working there and they were the right people to be doing it. If you are going to go back now to these people who put in this effort and have given you a good product and tell them you are going to take back the overtime and I think

you are going to have to take it back from all of them I would think because most of the people who worked on this on overtime were your exempt top-ranked employees. I think that is an unfortunate message to be saying to people when they have been putting in all of this time above and beyond to try and do something that is beneficial for the city. If going forward, you know there has got to be some change in the ordinance, okay that is fine. Nobody was trying to side step or bypass anything that is what you do to begin with. If there has to be something that is reorganized, fine. It wasn't an emergency. We knew that there was going to be planned amount of time that had to be associated with the installation of this sensitive equipment. That was part of the exercise. We were just trying to make sure in doing this and documenting all of this that we were making sure that it was done properly. Now in retrospect, maybe there was a question but again we have to rely on the authoritative sources at that time.

Alderman Domaingue asked if when he was talking about Mark knew who the key people would be working on this, did Mark decide who the key people would be in the Finance Department working on this.

Mr. Clougherty replied no. It was actually coordinated through the Information Systems Department.

Alderman Domaingue asked if he knew who the key people in his department that would be working on this were. Are you the department head?

Mr. Clougherty replied yes.

Alderman Domaingue asked if he was aware of overtime earnings and that it could have been an excessive amount that might have needed to be mentioned to the Personnel Committee.

Mr. Clougherty answered that it was his understanding that it was because it had been carboned with the policy.

Alderman Domaingue asked if it was his understanding that the Personnel Committee was aware of this.

Mr. Clougherty replied right because again we had been talking to the Personnel Director and he had carboned the...

Alderman Domaingue stated that she was not going to get in a debate with you on this but with all due respect Kevin, you of all people who oversee all of the overtime operations, you see this stuff coming in on your figures you report it to

the Board and you are going to stand here and you are going to tell me that it didn't raise a red flag for you.

Mr. Clougherty answered that it was his understanding that it was taken care of. I do the dollar side, they do the hour side. We were relying on this policy and that is what we followed. We made sure that we reported to the Info Systems because they were really the ones who were coordinating. This is not something where we just came in and worked. We had people organized to do a specific task. It was planned.

Alderman Domaingue stated that she understand. You reported to the Information Systems Department, they are not elected by the people.

Mr. Clougherty replied I understand that Alderman, but again we were reporting, we were showing the Mayor our reports, we were providing the information through the system, we were following the procedures that the Personnel Director laid out for us. We thought we were clear on this.

Alderman Domaingue asked if all of the overtime money was part and parcel of the expenditure of this conversion. Was anything additional? Was it all inclusive?

Mr. Clougherty answered that the installation was additional.

Alderman Hirschmann's comment was that Kevin said it wasn't an emergency but what I was just going to do for everyone was roll the clock back two weeks and what didn't start out as an emergency became an emergency because joint school and aldermanic boards met until midnight, all of us were there, and we sent this down as a directive, maybe not on this overtime, but from that point two weeks ago forward for them to do everything in their capacity. We didn't even ask prices we just said do it we don't want to hear about people not getting paid anymore. All of us were there and we all consented. At that point we were going to run two systems and get it done so we people would get paid. We only have a printout of the Finance Department's people. I am sure that if you looked at the Personnel Department maybe some of their exempt people were paid overtime too. Just one other question, does this overtime show up in the 8800?

Mr. Clougherty replied yes, that all this would be reported either through the Personnel system.

Alderman Hirschmann stated that for the last several months all of the overtime was put on that. It was just reported to another committee.

Mr. Clougherty answered no, because you guys don't want the 8800's. Remember you stopped asking for them. But they are available. Everything that was paid here was processed through the Payroll system and it is not anything that was treated separately or differently.

Chairman Reiniger asked if the committee wants to stop the overtime and study...

Alderman Robert stated that the department head, as I understand it is supposed to be ultimately the person responsible for what gets done and what doesn't and I think that applies to an extent. But I am also looking at the ordinance and the ordinance as it is written. I look at the project they were involved in and I see this as being extraordinary. In a lot of our laws there are some gray areas. I don't think when this law was written that it necessarily had this project or extra projects in mind. Saying that as one point. On another point, Kevin was operating on the assumption that the Personnel Department said that this was okay and I don't want to belabor this and I don't want to get into any more personalities. I want to stay away from it quite frankly, but we have had problems like this in the past. People haven't known what they are talking about when you've asked them for advice or they may not have given you the right advice because of the personnel ordinance is unclear or contradictory. As far as making people give money back, that doesn't seem to be proper to me at this point, but as far as straightening out people who are responsible for carrying out the laws and the rules of the City of Manchester I would certainly say that this is something to me that would say that the Personnel ordinance should finally be straightened out once and for all. Lets just say that I hope our present Personnel or Human Resources Director has got a better grip on things than things have been in the past. That is just my gut feeling as I see it right now.

Chairman Reiniger asked Asst. Solicitor Arnold if this committee could make the judgment that this was an emergency or would that be the Mayor's judgment. Who would do that?

Asst. Solicitor Arnold replied that the ordinance doesn't provide for who makes that judgment. Certainly given my opinion interpreting or deciding what actions we are going to take on this matter is a matter of policy. The committee can make its own judgment.

Alderman Cashin asked to go back to Connie Roy's memo. Number one, there is no record that it ever came to the Personnel Committee, no record that it ever came to the Board of Alderman, no record that it ever went anywhere except

between the Mayor's Office the City Solicitor's Office and your office as far as I can tell.

Mr. Hobson replied that just to be clear it was not sent to his office for review, it was in our office as one that was sent to all department heads.

Alderman Cashin stated that in her own memo she states "in order to be exempt, an executive employee must meet the following requirements to be exempt, compensation to be paid over \$250/week, duties: primary management of the agency, department or sub-division; supervision: customary and regularly directs two or more employees." Now certainly, these people fit that criteria so they are exempt employees number one. That is the question. It is not a question of whether they needed the overtime, they deserved the overtime. The question is are they entitled to, in this case, \$23,000 in overtime. And then if you go on further it says that "ordinances are going to have be changed in order to implement this." The ordinances were never changed. You know I am not a lawyer and I am not an investigative reporter and I spent a lot of time digging all this stuff out because nobody comes forward and gives you all this you know you gotta dig for it. Now if this committee feels, and say that the Mayor signed off on this, do we have the timesheets and all that stuff where all of this stuff has been signed off on?

Mr. Hobson replied that overtime reports on this project would be in our office, I would imagine in the Mayor's Office, and Diane Prew probably has a copy as well because it is pertinent to the project.

Alderman Cashin stated okay, so we have established that, fine. But the question is are they entitled? The answer is according to the City Solicitor's Office they are not, no. Do we have the right, we the Personnel Committee, to pay people this kind of money if they are not entitled to it. I say no you don't. And do we have a responsibility to the tax payers to try to get this money back? I think we do. And I am prepared to make a motion now if the conversation is over, but if you want to continue that is fine.

Mr. Hobson stated that he is just repeating what he said earlier, I don't disagree with the Alderman's assessment of what the committee should be doing. department heads who allowed people to get overtime, and we did it at school as well, we thought we were following the directive that was sent to us so I don't think anybody was doing this behind the scenes or maliciously. I think people thought that they were following this directive.

Alderman Cashin asked Mr. Hobson even with this directive would the Deputy Finance Director become exempt.

Mr. Hobson answered that the way you look at this it says that department heads do not qualify and it basically says, the way I interpret it, and everybody else does.

Alderman Cashin replied if they meet certain criteria.

Mr. Hobson stated yes, right.

Alderman Cashin then stated in this case the City Solicitor has ruled that this person doesn't. Okay? And there is no debate.

Mr. Hobson answered that he is no debating what he said. All I am saying is that the department heads, I mean at this point I am defending Wendy Jack who was the department head for the school. I am just saying that she was acting based on this.

Mayor Wieczorek stated that is why he had requested from the previous Personnel Director what the procedure should be on this. You know the other thing that you have to really look at, you know you can be talking about who got paid for doing what but when you are installing a system of this magnitude tell me how you would install it if you didn't have the people that are going to be working with the system begin to implement the new system. How would you do it? You certainly were not going to be able to do it during their regular work day. That was not possible, so either you would never have been able to get the system in or somebody must have some other idea on how you do it.

Alderman Cashin replied that he will go along with what the Mayor said, but somebody set up the date of July 1 for implementation of this system. I don't know who did it. Now I would presume, at least if I had anything to do with it coming around June if I found out that we were having problems and we were not ready to implement it I wouldn't have implemented it. I would have given it another six months and, therefore, you probably wouldn't have needed all the overtime you have been spending on this project. That is possible too. But somebody for some reason decided that July 1 was the date and that's it come hell or high water that is when it was going to go online. I said at another meeting that I thought this thing was rushed, I thought it was implemented, in my opinion, it was implemented when it wasn't ready to go online and this is part of the problem. So, you know it is a two-edged sword Ray. It didn't have to be pushed. I don't think the Board of Aldermen would push it.

Alderman Domaingue stated that she is very disappointed that we are prepared to blame someone who no longer holds the title of Personnel or Human Resources

Director or full blame on that individual as well as an individual who is no longer with the department because it seems to be the convenient thing to do. It doesn't seem to be made clear as to who was going to be on the overtime, and yet we have a budget as testified to by Mr. Clougherty that included overtime. Obviously it was seen as a need. We needed to expend it. At some point it was approved as part of the overall budget for this project. And now we are going to talk about reclaiming the funds. Do I think we did less than the reporting that should have done? Yes. Do I think we should go back to individuals and say hand back the money? I think we would have an interesting court case because if these individuals actually worked the time you would be hard pressed to explain now why it is that they are not worth that money when in fact you budgeted for it. I understand that individuals should not be included under these ordinances and that needs to be tightened up, but I would have a hard time going back now to individuals, any individuals in any department, and saying hand back the money. The mistake to me was not at that level. The mistake was made at the department head level, the mistake was made at the Aldermanic level, the mistake was made at the Executive level in the Mayor's Office if there was a mistake that was made. But if that work has been invested in the city and the time has been committed and the person has documented it on a piece of paper, the Labor Department, I am sure might take a different view of it. So we have to keep that in mind as well.

Chairman Reiniger asked Alderman Domaingue what she would like to do.

Alderman Domaingue responded you don't want to hear what I would like to do. You really don't because department heads in this city, regardless of the fact that Mr. Clougherty stood here and said we don't, our days are not 9 a.m. to 5 p.m., you don't earn 9 a.m. to 5 p.m. salaries Sir. And when they are hired in the position of department head they know or assistant department head, that there is going to be required of them additional time. Any private business does it and so does the City of Manchester so I am appalled that somewhere along the line we built into this project all of this overtime when we knew that the only people who could actually put this project together were people who should have been exempt.

Mr. Clougherty stated Alderman we know that we have to put in a lot of hours. These were extraordinary hours, above and beyond the routine overtime that these people were putting in. The reason, and we are not in anyway casting dispersions on Hugh or on Connie, the reason that they were concerned, at least as Connie had voiced to me was that the method of determining somebody exempt is not as clear cut as you would like to think it is. As part of the items that you are looking at Alderman, you can say we passed this test but there is another test that is part of the exempt classification set up under the Federal Labor Standards and that gets into hourly pay. And the concern, at least in one of the conversations we had, that

Connie was concerned with was that I am paid on an hourly basis. I earn my benefits on an hourly basis, not on a salary level, on a hourly level. That is not just true, you know that is true for all department heads and that was one of their concerns. So I think they were taking a look at the broad picture, trying to come up with a reasonable policy that they thought was prudent and once that was presented and we had the directive from them we proceeded to follow that. I don't think that what they did was unreasonable or out of line but you have to understand all of the different ramifications. And those same concerns, I might say, have been addressed by the people doing the classification stuff.

Alderman Domaingue asked not to this committee? If you knew those concerns going in and that they might be raised were they brought back to this committee.

Mr. Clougherty replied again, we would expect that would have been Hugh or Connie. We don't come to all of the Personnel Committee meetings. We expected that was done. We say the carbon on the letter. We, you know, we followed these procedures.

Alderman Hirschmann asked Kevin if he was the front person in this or if Diane Prew is.

Mr. Clougherty responded Diane Prew is for the whole project.

Alderman Hirschmann stated that he is being asked what do we want to do to get this job done. What do we have to do to get this job done. Maybe I can direct my question to the Mayor. It talks about setting up ordinances and things like that before hand. What do we need to get the job done that we asked to do and I want to move forward to get it done so that we can complete the project. It just seems to me that in the beginning we didn't do things right. What I am saying is I want to know what we have to do to get it right to move forward.

Mayor Wiczorek answered I think what you need to do is to review these ordinances so you can bring them in line, but you know we did what I think we thought was right. You know we got the information. I am not a Personnel Director, I don't what that is but I asked the question as to who gets what and you know, if I have to start now going back and saying well check with 15 different people to find out. I have to rely on the people that we have. But this needs to be cleaned up.

Mr. Clougherty stated that most of the overtime is finished, we have done the job. What you are going to see is and I think it is important as you go forward is you've got to remember this is not a financial accounting system only. It is a

system that is going to put in geographic maps, your assessments and everything else and as you get into each one of those modules you are going to have to have experts in each one of those departments get involved in it. So, if this procedure is wrong I think you've got to go back and put something in place to deal with that. I think you have to make sure that it follows the labor standards.

Chairman Reiniger called on Alderman Wihby who is also Deputy Labor Commissioner for any comments he may want to make.

Alderman Wihby stated that he thinks if you take back the money now you are probably asking for some trouble. I think we should move forward and you want to set a policy so that non-exempt aren't going to get paid or whatever. That is probably what you want to do. If you are going to go back for the money I think you may be entitled to some lawsuits.

Alderman Robert, speaking for himself he is interested in moving forward and getting this thing done. We are told that there are going to be other instances where this sort of thing may occur or may have to occur because it is the right thing to do. Can we find out what that is so we can draw up the appropriate ordinances and okays and paperwork so we can move ahead. That is how I see the situation. I don't want to take the money back and if you need a motion to summarize what I said you got it. If someone else wants to follow my lead.

Chairman Reiniger asked if he wants to move to instruct the Solicitor's Office and Mr. Hobson to develop the correct procedures from this point forward.

Alderman Robert responded so we can put it in place and I don't want to take any money back.

Alderman Wihby stated that the correct procedure, I think, is going to have to come from this committee. I think this committee and the Board will have to determine whether or not you want exempt employees being paid for overtime.

Alderman Robert stated again, does it apply to the situation.

Alderman Wihby responded I think an exempt employee would not be overtime. I think that department heads, our department heads know that. I mean, Kevin did you get any overtime during all of this?

Mr. Clougherty answered no.

Alderman Wihby asked Mr. Clougherty if he worked overtime during all of this.

Mr. Clougherty answered yes.

Alderman Wihby asked Mr. Clougherty how come he didn't get paid for it.

Mr. Clougherty stated because the policy says no.

Alderman Hirschmann asked if that is because he is a department head.

Mr. Clougherty answered no, because the policy says we wouldn't I believe.

Alderman Hirschmann asked if the policy addressed Deputies.

Mr. Clougherty replied no, it said that the Deputies should be doing it because they have the expertise, people like Rick Linder, you know, people like Claire Brooks and people at that level that as you are going along with the system they are going to have to get involved, but we were specifically exempted from it.

Mayor Wieczorek commented also when you are looking at this you've got to figure out how we are going to get the job done because if you are talking about the people that are considered exempt here that are not going to get paid how do we propose to get the job done. Do we propose to just have them all work for nothing or what would the plan be. We do have to finish the installation. We spent this amount of money then I think we ought to make sure that we follow this through to a successful conclusion.

Alderman Hirschmann asked Kevin if the directive you were given at that joint meeting two weeks ago, do your people have to continue putting in overtime, is the project done as far as inputting?

Mr. Clougherty answered that in terms of Finance, the Finance Department, we completed I think substantially what has been requested of us. But again as you go out and put in the assessment module and have to do all those maps there are going to be people in the Assessor's Office that have expertise that are going to be putting in a lot of time to get that evolved. When you are putting in the geographic maps there may be some people from Planning and Highways and other departments that have to get involved in order to, for a collapsed period of time, to get those pieces put in place and put in place properly. So I think what you probably want is to sit down and at least have Diane talk to you about the balance of the project that needs to be done and what it would involve and who it would involve and give you some ideas as to time.

Alderman Hirschmann asked if all the problems they are having in schools is that included.

Mr. Clougherty replied that a lot of the stuff we are trying to do in schools we are trying to get done during the day and doing it with Mark's staff and some other people. Mark do you think we are going to need some Payroll...

Mr. Hobson answered that we have been assigning Payroll staff to go over there on a daily basis and we worked this past Saturday and Sunday and we had staff members in both days and the Saturday before that we did and the Friday after Thanksgiving we did. So we have had staff members who are going to school, doing school work, coming back here later and doing there work and we have been accruing overtime in our department.

Alderman Hirschmann is concerned about setting a policy tonight when it is not clear what direction was set two weeks ago.

Mr. Clougherty reiterated that we really need to sit down with Diane Prew and have her give you an idea of what is the balance of the project and have her give you some idea as to how to deal with that. We can work with Mark and Tom and try to come back with something for you at the next meeting.

Janelle Larocque stated that as an employee, and I would have been considered an exempt employee myself not as a department head but under the status as far as I can see. The last couple of weeks our plan was at school although we have been told pretty much to do whatever it takes to get done and I work very hard to make sure that we do accomplish it during regular business hours. Unfortunately, you know sometimes the sanity hours require a couple of hours here and a couple of hours there. There is a lot of time that I have given you that we have not billed for that because you know, it depends, am I doing actual productive work or am I doing certain types of work that is not really productive and you know only when I feel that because of the length of the time that we are asked to do in productive work to get certain things accomplished that that billing should go through. Diane Prew since then and we have to invoice overtime hours we send an invoice over to Diane's shop. She reviews everybody's activity very thoroughly and if there are things that have been turned in that she challenges those things don't all pass in the review process. So there is a tremendous amount of scrutiny to make sure that the activities are things that are justifiable under the terms of doing the bond so I feel a little jazzed because I feel a little bit that it looks like we put in a lot of overtime but again we have to make certain that parts of the modules... This week we are learning a couple of new things because the police have to get paid their supplemental pay and we are just now trying to work with the budgetary part of the module. But basically I think that the modules that are in now are pretty much up in running except for working out problems in school. We are trying to do that without putting in overtime and then if we go forward the other activities are going to be bringing other departments on line.

Alderman Hirschmann asked if the overtime is charged off to a specific project or is it in your operational budgets. Is it going to be charged off to...

Mr. Hobson answered it would be charged to the project.

Alderman Cashin stated that first of all, I am not denying anyone's overtime that is entitled to it. Let's get that straight. My question is are there people who have been paid overtime that weren't entitled to it. The City Solicitor's Office has ruled yes there are and I am saying that they shouldn't get it if that is the case. It is that simple. I am not trying to deny anybody anything they are entitled to but I happen to be in the same position in my private place okay and there are certain people that are not entitled to overtime under any conditions and that is known. That is known when they take the job. For anyone to stand here and say that they weren't aware of it or because Connie who sent out a memorandum that never went to the Board of Aldermen or was never approved by the Personnel Committee or anything else is a substance by which you give people overtime that aren't entitled

to it I find that to be ridiculous. There is no foundation at all here. Now if this committee allows this to happen I cannot stop you. I have only one vote here, but if you do this this evening, you are opening up a floodgate like you wouldn't believe and I am convinced of that and to have the Finance Director stand here and tell me well based on this this is what we decided to do I find that to be unconscionable quite honestly. You know if there is not a motion on the floor I am perfectly willing to make one and my motion would be that once any person who was an exempt employee that received overtime the City Solicitor should look into it and see how we can get it returned back to the tax payers because they weren't supposed to get it and I think that we have a responsibility to see that they don't. And that is my motion and you want to second it fine, if you want to deny it I don't care.

Chairman Reiniger reiterated that the motion is to have the City Solicitor investigate this and see if there are any ways we can recover these monies.

Alderman Cashin replied right, even if we have to go to court and sue, yes. I think we have got, this has got to stop here this evening. This can't go any further. I mean this just isn't right.

Chairman Reiniger asked for a second to the motion.

Alderman Hirschmann asked Alderman Cashin if he was concerned that these people will be suing us.

Alderman Cashin responded the City Solicitor has ruled that certain people are not entitled to it that received it. No, I am not concerned. You know we use the City Solicitor's opinion when it agrees with us and we fight it when it doesn't agree with us. You know I got a problem with that too.

Alderman Hirschmann replied what I would say is that I am not going against the City Solicitor's opinion. What I am saying is that people did work these responsibilities. Whether or not they should have been paid they were paid. If you want to recoup that money now you would almost have to sue them to do that. I am not willing to do that.

Alderman Cashin responded why. Why would you give money to people that don't deserve it, that aren't entitled to it? Why would you...not probably get it back.

Alderman Hirschmann stated that the Deputy Labor Commissioner, I am not taking his testimony but he did state that these people could sue us.

Alderman Cashin answered well fine. Maybe they can. I don't believe they can. I don't think he ever said that.

Alderman Wihby responded that if we try to take, like in the next check and withheld their checks and recouped it that way we would have a problem and be in trouble. If you take them to court and try to get it somehow, I don't know what happens in that case but definitely if we stop the paychecks from coming we would get involved.

Alderman Cashin replied that he is not suggesting that. You know that.

Alderman Wihby stated that you can take it another way and say give us back your money if you don't we are going to take some other procedure and that is up to the Solicitor. I don't know what happens in that case.

Chairman Reiniger asked if there was a second to the motion. There being no response he asked if there was a new motion.

Alderman Robert replied that there is still a motion on the floor Mr. Chairman.

Chairman Reiniger asked from?

Alderman Robert answered from myself.

Chairman Reiniger asked what was your motion again.

Alderman Robert answered to start from square one doing the necessary planning, revise any ordinances or make exceptions to get this project completed like we should have done and do it as quickly as possible and not seek to recoup the money.

Alderman Domaingue stated she would second the motion if Alderman Robert would accept a friendly amendment to it.

Alderman Robert replied lets hear it.

Alderman Domaingue went on to state the friendly amendment being that all reports from this point forward are to be submitted to the Personnel Committee along with a current history of where they are financially in the budgetary cycle with this project. In other words, what monies have been spent.

Alderman Robert stated I don't have a problem with that. Is that something that should be going here. I mean you can bring the information I don't care. Sure, I will amend my motion to do her...what she wants to get done.

Chairman Reiniger noted that Alderman Robert has made a motion to include Alderman Domaingue's addition.

Alderman Hirschmann asked for the clerk to read the motion.

Deputy Clerk Johnson stated that she was just going to ask for some clarification. Basically I have the motion down because Alderman Robert wanted necessary planning to revise the ordinance and to get the project completed and not request to recoup the funds. Alderman Domaingue added in that all reports be submitted to the Personnel Committee with a history of where this project is financially. When she says reports is she talking about the planned O/T reports or...I am not sure what reports. I just want to clarify that for the record so that it doesn't become a gray area.

Alderman Domaingue clarified that since this is the project in question, I am referring only to this project as to the number of people who are going to be working on it and the amount of money on a regular basis that it is costing us. Now that should probably be whenever the Personnel Committee meets but no less than a month.

Deputy Clerk Johnson then replied so photocopies to include overtime reports that the Mayor signs. Are you looking for those or just a generalized report from Diane Prew's office?

Alderman Domaingue answered oh, no we want... I would hope that this committee wants to know exactly who is working on a month-to-month basis on this project, who is incurring the overtime and what the overtime cost is.

Chairman Reiniger asked if there were any questions about the motion.

Alderman Hirschmann asked are future exempt people included to work on the project and collect overtime. I am asking the question, I don't know.

Alderman Domaingue asked are you asking if that is part of the motion.

Alderman Hirschmann stated that he doesn't understand the motion.

Alderman Robert replied if you are asking me what I think, I am thinking whoever needs to do the work to get it done properly and accurately. Justify that to me and if that can be justified and nobody else can do it, I will make the exception.

Alderman Hirschmann asked this committee. Will this committee make the exception?

Alderman Robert answered that he is speaking for himself, but yes the committee.

Alderman Hirschmann asked is that the motion though.

Alderman Robert responded yes sure if the committee sees fit to make the exception, yes.

Deputy Clerk Johnson asked in making that comment when you said revise the ordinances you are talking about revising them to allow the Personnel Committee to make those decisions is that... or are you referring to the report that Ms. Roy put together.

Alderman Robert replied it would seem to me that any revisions to ordinances would have to come through this committee anyway and if things were done properly to begin with we would have saw that. Yes, it would seem to me that it would come to this committee as a normal course of business.

Deputy Clerk Johnson asked do you want an ordinance, a revised ordinance submitted to the committee for referral to the Board at this point.

Alderman Robert replied yes.

Chairman Reiniger stated that this goes back to Alderman Cashin's statement about the fact that this didn't comply because the ordinances weren't adjusted so whatever we are going to be doing has to reflect the ordinances properly, correct.

Alderman Robert answered yes and if there needs to be changes or exceptions made to the ordinance, yes.

Chairman Reiniger asked if there were any further questions.

Mr. Hobson stated that his understanding of what is being requested is different please correct me is that you are looking for an ordinance that will allow overtime payments to exempt employees for the HTE project. Okay? And I would presume that that does not, in line with the memo include department heads.

Alderman Robert answered if it has to be done tell me. If it doesn't I mean if it doesn't have to be somebody else will.

Alderman Domaingue asked if we have an ordinance that specifically exempts department heads from the ability to be able to obtain overtime.

Mr. Hobson replied and that is what we are changing and I just want to be clear on what the committee is asking for a draft ordinance on but what you want the change to be.

Alderman Robert asked to clarify his motion. Again, I am interested in getting the project done. If it needs a department head to do the work that has to be done, and I am not convinced that it has to, tell me why. Tell me why I have to make an exception to the present ordinance. I guess I am asking them to do some planning and come in here, tell us what their plan is and why it has to be done. And make the exceptions to the ordinance if that has to be. This committee, the Board could be the final judge if those plans or if the changes are necessary. But again my focus is getting the job done.

Chairman Reiniger asked Deputy Clerk Johnson if that is clear.

Deputy Clerk Johnson asked one more question. He said if justified. Does he want the justification before or after the overtime is incurred. I think that will make a difference in the wording.

Alderman Robert answered I guess that would mean do we hold the project up until we are done or do... I would hope that it would be completed as quickly as possible. Kevin, to your knowledge would this hold the project, anything up seriously if we...

Mr. Clougherty replied the problem we have as department heads is with the ordinances. If you look at the federal government you got a charter, you have a constitution all right. Then you have regulations, or statutes and then you have regulations. The state has the same thing. All we have is charter and the ordinances. We don't have regulations so when you are looking at trying to deal with things that change the ordinance the thing that Mark talked to be about is for this project this is a project that is right in front of us right now and there may be pieces of that down the road that you may want to consider letting an exempt employee get paid overtime. But there may be other projects that are coming down that you may need to consider. So you want to write a procedure, I would think, that would apply to all the different options coming before you and put into

place a procedure not just for one project. You try to address all of that and look at the big picture going forward. But again I am not a personnel expert. You've got to have, you know, confidence in that.

Alderman Robert stated that he is just concerned with getting the project done within its budget and not having it cost us anymore money further down the line. I do want to do things properly though because we are in this mess because we didn't do things properly. I don't know if this satisfies anyone.

Alderman Domaingue stated that we still have a sticky situation in that I am looking at this overtime compensation sheet and I happened to look down under Section 3 Police Personnel, except Executives, Administrative and Professional positions. Now, I am sure the Police Personnel have found themselves, the Administrators, many a night in situations that required one, two, three, or four hours of extra input of their time. We are saying here that we don't pay them for it. All of the sudden because it is a computer conversion we are talking about revising an ordinance so that we can pay department heads and I am back to the position that I originally took which is department heads are executives as are those immediately under department heads. These are deputy department heads that we are talking about here. When you hire these people you pay them that salary because they know that the responsibilities under that heading are not only fiduciary in regards to the City of Manchester but also are going to be required from time-to-time to have extra input of their time. They know that going in.

Alderman Hirschmann asked did your motion include department heads. Is that what you are saying?

Alderman Robert responded I included whatever it took. Now if you folks want put in the clause that you want to put in but if it comes back and if they justify to me that...if it is justifiable to me that things should be different maybe we can take it up at that time. I don't...put it in the clause, put it in.

Mayor Wieczorek stated that in my opinion I think that department heads should be exempt. I don't think we ought to have department heads getting any overtime. As we look at a project like this, what we are looking at though is an extraordinary project. You are not looking at the normal stuff where people are going to be there you know for an hour or two hours where they have to get something to done or a project finished. This is an extraordinary project and Jackie for your information in the Police Department the Chief and the Deputies do not get overtime but from Captain on down everyone gets overtime.

Alderman Domaingue asked is Randy considered a Deputy.

Mayor Wieczorek responded yes.

Alderman Domaingue then asked but he did get overtime.

Mayor Wieczorek again responded yes.

Alderman Domaingue then replied that is the dilemma.

Alderman Cashin stated that is the point I have been trying to make all night.

Chairman Reiniger noted that we had a motion that was seconded.

Deputy Clerk Johnson stated that the motion has been changed three times so I think it needs to be...

Mayor Wieczorek asked that it be clarified.

Deputy Clerk Johnson replied based on the discussion lets see if we can just try and put something together here. I believe that the Solicitor and Human Resources Director are being asked to prepare an ordinance for consideration that would allow for overtime to be paid to exempt employees working on extraordinary projects subject to the approval of the Personnel Committee. Does that make...And secondary to that is that in the instance of the HTE, all reportings, well I guess of any project, that the reportings be coming into the Personnel Committee with a history...that was another thing that was requested as well.

Chairman Reiniger asked Alderman Domaingue if she seconded that motion.

Alderman Domaingue replied yes.

Alderman Cashin stated lets assume this passes. Lets assume that the Deputy of the Police Department is involved in an investigation. Is he going to start getting paid time and a half, overtime? I am asking. It seems to be he might be. This is a Deputy, this is a department head. It is the same consideration we have right now. The point I am making gentlemen, ladies and gentlemen you are opening up the floodgates here like you won't believe.

Alderman Hirschmann asked if the other direction we could take is maybe well whatever what happened wasn't perceived as proper but the job got done and people are paid and we can't take recourse on that and say that that is done but from here on forward this is the policy and all of the department heads, carbon

copy it to them tomorrow morning and all of the HTE modules from assessor's on down get them down on straight time and this is the policy.

Alderman Cashin replied that is not what that says.

Alderman Hirschmann stated just have non-exempt people working on projects on overtime if they have to do it on overtime.

Mr. Hobson asked what are you referring to when you say this is the policy. I can't see what is in your hand.

Alderman Hirschmann answered the overtime compensation report.

Alderman Cashin answered he is referring to Connie Roy's...

Alderman Hirschmann replied no I am not. I am referring to the ordinance on overtime compensation, 33.054. From this point forward and instead of changing it I don't want to be paying exempt people in the future if we don't have to, overtime and I don't want to pay department heads overtime or anybody. Lets say get the work done on regular time. There is a budget process. Put in your budget the right amount of people to do it in the future the right way. We have lived through one mistake. Lets move forward.

Alderman Robert responded in doing it this way. I mean if that is, this is fine, this is fine, but doing it this way are we going to meet any time limits that may be in front of us. Will it cost us extra money moving forward? This is an extraordinary project. I think we would all have to rely on experts in what it would take to complete the task and this is I guess what I am asking Kevin or Diane Prew. I want to know what it is going to take to get this job completed, to make sure it doesn't cost us anymore money. We make all of our time requirements if there are any and move forward. I am relying on your judgment. I am relying on these people have got a plan and I need to hear what that is. I need to know what the effects will be if we take specific policies particular approaches. I am allowing them, or I want them to tell me. I want them to use their head. I want them to tell me what the best way to accomplish this task is. I don't want to shackle them going into it.

Alderman Wihby stated I am not a member of this committee but it seems to me that the whole process and everything that happened is a lack of communication one more time and that a true emergency like I think this is written up I wouldn't consider that system or that the problem we had was a true emergency. An emergency is one that comes up and needs immediate attention when you go to the

Mayor and you say I don't have to get 12 Aldermen here Mayor make the decision and the Mayor signs off. Something that is planned or a program that is going to be an ongoing thing like this wasn't a planned emergency and probably just a simple ordinance that says from now on you come to the Personnel Committee with any overtime you want and it has to be okayed by the committee and you guys look at exempting the people that the exempt employees wouldn't be entitled to it but that leaves it open that you guys could, if you wanted to give in that case an individual on a per basis every time you take it up whether or not you want to pay them or not. It just seems that it is poor communication that happened in this and it wasn't an emergency and I think this pretty much is just for emergency. I don't think anybody has a problem if there is an emergency to have the Mayor deal with it. It is when you are going to plan something that the whole committee doesn't know and that is what the whole process is. You got to have a way that if you decide that you want to take an exempt person you can do it but let everybody know about it. Who knows if this came to the Personnel Committee you guys must have said you want the project to be done, we want to use our own people the same reason the Mayor and Kevin said and you go ahead and you do it and you pay the overtime. At least everyone would have known about it and it wouldn't have been a decision after the fact like we did something illegal or dishonest and it just seems like a policy would be easy enough to do. Send all the overtime to the committee. Just go forward. If it is an emergency I think you have to have something in place and I think that is what this was drafted for.

Alderman Hirschmann asked about the travel requests. When they come in they come in before the travel has been taken and there is a set amount. If it could come in in that fashion it would make sense. Someone comes to you and there is a project coming up and we need a certain amount of overtime and there is a dollar amount attached and who is going to do it. That is pretty good.

Mr. Hobson asked if there is any wisdom to going back to the fact that all we should be talking about in this particular case is just HTE and that we would exclude department heads and I understand that deputy department heads is an issue for some people. Is there any wisdom to just saying that all we are talking about is this project and that we want to see monthly reports on overtime on this project and Mr. Arnold and I would be responsible for bringing something back to you regarding this issue only and putting other things aside.

Alderman Domaingue replied no because the issue is not just this project and the issue is not for some people, deputy department head. The issue for the ordinance is exempt personnel don't get paid overtime. That is the issue and this doesn't qualify as an emergency. That is the issue and we are paying top notch dollars to top notch department heads who ought to have known that at some point in this

process somebody needed to hear about this and nobody did. And now we are blaming people who we currently don't even have in those positions anymore. So to move it forward we need something as Alderman Wihby stated that moves us off of this and talks about the authority of this Personnel Committee to be able to determine what it is that needs exception to the current ordinance and what do they even want to amend the current ordinance about. To do it without a monthly report on any project to this committee when you are involving overtime is not fair to the people who pay the bills.

Mr. Hobson answered I was not disagreeing with what you were saying I was talking about the fact that we would just try to focus on some kind of ordinance amendment dealing with this project period because we want to move this thing forward and get it over with and as Kevin said you have the Assessor's Office, you are going to have the Highway Department complete issues and the Land Parcel issue, the Payroll interface issue if we go that way, so there are all of these modules to come and I am just thinking of the individuals who are responsible for that. They are exempt.

Alderman Domaingue replied in which case Alderman Cashin is absolutely correct. You are going to be opening floodgates.

Alderman Robert stated I would be open to doing it either way but it would seem to me that there maybe other situations that arise that may require other things. To summarize what I am saying, yes, I think there is some wisdom to what you said.

Chairman Reiniger stated that there was a motion seconded as I understand it the motion seconded was not limited to just HTE.

Asst. Solicitor Arnold stated that at this point it is unclear to me as to whether they want to include assistant department heads or not.

Alderman Hirschmann stated one of the next modules coming up is the Assessment module. There are three guys there that are probably qualified to input that and they are all going to be department head status exempt.

Mr. Hobson replied that there are other people that are exempt, I mean that there are other people who would do the work but my point is that they are exempt to.

Alderman answered so why would we draft an ordinance to include them. Why would we do that?

Mr. Hobson stated I am speaking very practical. You either change the timetable of how you want to get things done or you deal with it on an ordinance level and on an exception basis that this committee would say, yup that's okay to do it or no that's not.

Alderman Hirschmann asked if the committee could make a recommendation to the Committee on Information Systems that the timetable be changed due to personnel constraints on overtime because I sit on that committee and I haven't heard and I didn't know about all of this overtime and I sit on that committee.

Mr. Clougherty stated that if we are going to make some decisions that would affect the schedule we should really take the time to have a briefing on that subject matter particularly because there are some timetables. I mean it is nice to think that we can put this off and delay it but the reason we want to address the schedule is because there are things facing us that have to be addressed. That is why you have the Deputy, it is not just Randy, I hear Randy's name but it is other department deputies that have been involved and been paid as well. This was trying to get the best people involved in this project to try and get this done as efficiently as possible. I would hope that the policy we forward would be...I picked up on your point Alderman about the travel. The reason that the travel worked is because you have a travel policy that we worked a lot on and we put in place that lays out the broad parameters that are applicable to travel generally so if you come in and you have something in particular I think that is really where we need to get on this issue. But again that is something that Mark and Tom have to get back to you on. The project is moving forward and we need to move it ahead.

Chairman Reiniger asked the Mayor if he is comfortable with the motion on the table.

Mayor Wieczorek asked that the motion be restated because I think from what I hear you have changed your mind from the original motion by Alderman Robert and the amendment by Alderman Domaingue. It sounds a little bit different to me. You know the one thing that I hope you will consider is that Kevin is right that there are certain things that have to be done that you really can't delay because if you delay it it is going to really create a lot of problems for the city with a lot of things that have to be done including the budget process. I think we really need to work our way through this. I would hope and as I said I think department heads certainly ought to be exempt. Maybe you don't want to be changing the ordinance you have here because it explains overtime for emergencies. This is not an emergency but it is an extraordinary project and you have to plan on how you are going to meet the requirements that you are setting up to meet this project and you know unfortunately we got a little muddled up here for a lot of different reasons. You know I think that you really need to concentrate on getting this project finished so whatever you are going to be doing here you have to make sure that it is going to deal with this particular project. That is the important thing.

Chairman Reiniger stated certainly to the extent that the overtime will come into the committee we will take that into consideration in deciding whether to grant it or not. We will take into consideration the project.

Mayor Wieczorek replied but you see what happens is that the overtime comes in, you know it is already done and overtime comes in. If you are looking at trying to get it ahead of schedule where you would be approving it before I think you got a little more difficult task on your hands. Kevin, you can tell me if I am wrong but with the things that we will be needing to do to get the budget process going you know for next year I think if we delay this in any way that is going to create a lot of problems for us.

Mr. Clougherty stated we use the term extraordinary project. This is a hopefully once in 10 year thing that involves and touches on virtually every department in the city. This is something unusual and it is not unique to Manchester. Virtually every business and corporation in this country and municipality is or should be wrestling with this. I heard a report the other day that there is over \$2 billion that is going to be spent this year just dealing with this thing on a corporate basis trying to get things up and running and automation systems put in place within the necessary time periods. So, I think this is unique and if you want to handle this on a unique basis then fine. Have them come back to you with a specific ordinance dealing just with HTE and have in there that the necessary requirements that you feel are necessary and the project moves forward. But, if you want us to come before you at every interval and get approvals then that may have some delays.

But again I am just hearing this tonight. I would like to have time to talk to Mark and Diane and Tom and see what they can come back to you with. We are not going to be able to craft something this evening. We are going to have to have some time to take a look at this and see if there is a responsible way...we understand what the concerns are I think. I think that we can come back with something that might be reasonable for your consideration, but we have to have the time to look at it.

Chairman Reiniger asked if the committee would want to freeze overtime until they have come back with a policy recommendation, until this...what would the committee like to do at this point.

Deputy Clerk Johnson noted that there is still a motion on the floor. Can I point out that the Board of Mayor and Alderman are meeting tomorrow. The current status is that the ordinance doesn't provide for this policy that they want to come back with, and the Board is meeting twice this month, once tomorrow night and once in two weeks. So I just wanted to remind people that an ordinance revision will require an action of the Board if, in fact, that is what the committee decides it wants to do to allow the overtime. Because I don't know what effects that is going to have on what is going on with the School Department.

Mayor Wieczorek stated I think you need to adopt a policy. You should adopt a policy now and then take a look at some of the things that should be changed here so that we can continue working on the project. If you don't, we can really get bogged down. You know there are so many things that are going on here with the project here, with school, I tell you I would be afraid for the things that could happen. What I would recommend is that we do whatever has to be done here. You have somebody from Info Systems, have Diane come in and fill you in on what is happening with the project or give you and update on what is happening. But that we continue to do what has to be done to carry the project through to a conclusion. You know I think people are probably aware and you could always send a note out to be aware of the overtime that is in this situation and you know make sure that they are going to be very judicious in the use of overtime. But if you are going to stop this up for a couple of weeks I think it creates a lot of problems that we don't need.

Alderman Domaingue replied that she would be receptive to that if by adopting the policy, of a policy we were to enforce the current policy on the book which is not to pay employees who are exempt from overtime.

Mayor Wieczorek stated that he does not know how many people are exempt and he asked Kevin.

Mr. Clougherty replied that virtually all the overtime that was paid was for exempt people because they are your best people, they are your most knowledgeable management people. Mark is, you know...

Mr. Hobson added except for school. I mean most of the people, it was reversed. Here many of the people who were getting overtime still do get overtime for the project are non-exempt. In most other cases the people getting overtime are exempt.

Mr. Clougherty stated that the problem here is that the policy that you and Connie drafted didn't get to the committee. If you can somehow approve that on an interim basis until you can get something back from Tom and Mark allows us to proceed. I don't think you are going to see a lot of overtime from our department or from some of the others. The bulk is completed and move forward.

Chairman Reiniger noted that there is a motion and a second.

Deputy Clerk Johnson was asked to read the motion again. The motion as I understand it on the floor would be that the City Solicitor and Human Resources Director provide an ordinance revision to allow non-exempt employees to receive overtime while working on extraordinary projects subject to the approval of the Personnel Committee with provisions for personnel and financial reporting as determined by the Personnel Committee and that that ordinance would be brought forward to the committee for their consideration and then forwarded to the Board.

Mayor Wiczorek noted that you need to do something that is ongoing also.

Deputy Clerk Johnson advised that is what is on the floor at the moment.

Alderman Domaingue asked to call for a vote to see if whether there is up or downs to move this process forward.

Chairman Reiniger asked whether there is any further discussion.

Alderman Hirschmann stated that this overtime would already have been worked when it comes to this committee. So this committee is not a guard for stopping the overtime it will have already been worked. They will just be notified that hey, we did 5,000 hours last quarter and this is the price.

Alderman Domaingue responded isn't that going to depend on how you work out the ordinance.

Some discussion took place about whether the overtime would have to be approved prior to or after the overtime has taken place.

Alderman ? stated in other words next month if we knew that the Assessors were going to do their module they would come to the committee and say that we are going to anticipate 2,000 hours of overtime in the next first quarter and this committee would say okay it is going to the bond, we all know what it is going for, all in favor say I.

Mayor Wieczorek replied that this committee needs to set a policy because that is what the committee is. It is a policy setting committee. You are not managers.

Alderman Domaingue said you have a policy do you not.

Mayor Wieczorek answered well we have a policy on the overtime.

Alderman Domaingue responded you have a policy that has not been followed.

Mayor Wieczorek agreed and stated that now what we are trying to do is direct this thing so we can get this project finished.

Alderman Domaingue stated so follow the policy.

Alderman Robert stated that this situation is different. It is not a situation that we face everyday. There are time restraints and I don't want this project to cost us anymore money but I don't know what that is and I want to know from the experts what it is going to take to get this thing done. I am willing to focus in on that, in on the project, whatever they tell me that it is to get the project done for the least amount of money and we can go from there. I think these people, they haven't told us what they need. We need to be flexible to get this thing done and I don't want to preclude anything at this point. That was the intention of my motion.

Chairman Reiniger stated that as Alderman Hirschmann said he wanted to know what plan is outlined.

Alderman Hirschmann wants to know what it is going to take to get this thing done and if we take an action such as they are suggesting is there a cost. Are we going to be sorry we took the action. Then again, if it is not I want them to tell me that.

Alderman Domaingue replied are you saying the motion doesn't address it.

Alderman Hirschmann answered no because the overtime as the man pointed out already would have already been done by the time it comes to the committee.

Alderman Domaingue said but the City Solicitor suggested to add the word prior approval.

Mayor Wieczorek replied to what.

Deputy Clerk Johnson stated that the intent of the motion as I had understood it was that the Personnel Committee was going to approve it before it occurred and so we have now added prior into that. The envisionment was that just like this policy came before, it should have come before the committee. That is what this establishes. It establishes the authority of the committee to then say yes go ahead and do it. Even if the committee had looked at, the Board had to approve it according to you current ordinances.

Mayor Wieczorek asked where does the Mayor fit into this Carol.

Deputy Clerk Johnson answered that the Mayor has to approve all overtime. That is in the ordinance now.

Mayor Wieczorek stated well he has to approve all overtime, but I mean here you are saying that it is going to come to the committee. What the committee should be doing is setting a policy you know on this, we are talking about this project, you know and what is going to be happening with the new modules that are going to be coming in with other people that are going to be working on the project that is really what you are discussing and that is what you have take a look at. This is what you are going to want to be looking at.

Deputy Clerk Johnson answered I think that they are just trying to amend the ordinance to allow exempt employees to receive it in the first place. If the committee decided that yes, this is a special project, the committee could turn that authority over the Mayor and say you approve all the overtime and send us a report once a month if it wanted to. I don't think that restricts anything. I think they are trying to set something up so that it can be done because the way the ordinance is written right now you can't do it. You can't approve the overtime for exempt employees right now the way the ordinance is written without breaking a law somewhere and I think that is what they are trying to do is to establish a procedure to do that. I don't think anybody is trying to say that you don't have a say in who works the overtime. Tom can correct me but I think that is the purpose of the motion.

Chairman Reiniger asked if everyone was clear.

Deputy Clerk Johnson added that it will say prior to such overtime approval.

Chairman Reiniger called for a vote. The motion carried with Alderman Cashin duly recorded in opposition.

Alderman Cashin stated that he would like to come in with a minority report instructing the City Solicitor's Office to look into the feasibility of recouping whatever monies were paid to exempt employees that shouldn't have been paid based on his own recommendation.

Deputy Clerk Johnson noted that this is not going to the Board yet. You can bring a memo in under Aldermanic business but this isn't going to the Board yet. It has to come back to the committee.

Alderman Cashin stated that his minority report will go to the Board.

Deputy Clerk Johnson replied that this report isn't going to the Board so there wouldn't be a minority report going to the Board.

Alderman Cashin asked what do you mean it is not going to the Board.

Deputy Clerk Johnson answered they are coming back to this committee as I understand it.

Alderman Cashin then asked so I can't come in to with a minority report.

Deputy Clerk Johnson replied no, you can come in with an Aldermanic business and state that you want to do that but we are not submitting any reports to the Board.

Alderman Cashin stated that he would bring it up under new business tomorrow night.

Deputy Clerk Johnson replied I would be happy to work with you on that.

Mayor Wieczorek stated that he wants to make sure that this is not going to slow the project down. I want to make sure that this thing is going to keep going while we are doing this.

Deputy Clerk Johnson asked if while they are waiting for this they would like them to take another action.

Mayor Wieczorek replied yes.

Alderman Cashin asked if this would be ready for tomorrow night.

Alderman Robert replied that the committee is not ready to make a majority report so making a minority report prior to that doesn't make any sense.

Alderman Cashin answered forget the minority report I will bring it in under new business. You can't stop me from doing that.

Deputy Clerk Johnson asked Asst. Solicitor Arnold how long it will take to get their policy to the committee.

Mayor Wieczorek asked that everybody stop whispering and speak up so we can all hear.

Asst. Solicitor Arnold stated Carol asked me when I could have it done. What I was basically telling Carol was that I would have to speak to Tom Clark because I have got answers due, I've got court deadlines, I've got to be in the first circuit on Friday, I am running out of 24 hour days. That is my basic problem right now she was asking when I could have it done by and I have got to speak with Tom Clark because as I said I am just running out of 24 hour days at this point. In the near future.

Mayor Wieczorek asked what do we do at this point. I want to make sure that we keep going here.

Asst. Solicitor Arnold replied I could speak to Tom, come up with a timeframe to get something together with Mark, let Carol know and the Chairman...

Mayor Wieczorek answered no, what do I do tomorrow.

Alderman Domaingue stated you have an ordinance on the books for tomorrow.

Mayor Wieczorek replied yes, I know which means the answer is no.

Alderman Domaingue answered that is correct and they knew that going in. Don't you still have the sign that says "The Buck Stops Here"?

Mayor Wieczorek replied I do.

Alderman Domaingue stated good, they can take it up with you.

Mayor Wieczorek answered they can take it up with me. They just told you that most of the people that are working on this fall under that category so what you are saying is stop the project.

Alderman Domaingue replied Your Honor, no, what I am saying is hold these people accountable for the salaries they are currently being paid and if they can't get other work done then they have an obligation to tell their immediate department head who can then inform you, and you can inform the Board. That is the process. That is what why we have ordinances on the books. That this whole thing went on from last May until now is a crime in my opinion which is why you don't want to ask me what I want to do to these people and you knew about it.

Mayor Wieczorek answered yes, well I went along with it...

Alderman Domaingue stated you knew they were all getting paid overtime. I've got department heads sitting in the room who are paid damn good salaries and benefits who knew they were getting overtime. Nobody thought to raise the issue. It had to become an embarrassment for the whole board? Would you do that in a private corporation? I don't think so.

Alderman Robert asked the Mayor would you be able to bring some sort of summary as to what would be the result if the project was slowed up.

Mayor Wieczorek replied well, I mean I can see a lot of problems.

Alderman Robert answered I understand that but I mean we are looking at this, at this improperly. This should have been done properly from the beginning. Now if we are telling the Mayor, we are telling the Board, if we are telling department heads of the City of Manchester that we are going to stop this project, I want to know, as I was saying, I want to know what the consequences are going to be. If there are any. Okay, we can slap people on the hand all we want, but if we are going to stop the project for whatever long it takes to get this finally straightened out, I want to know what the consequences are and I think the City, everybody deserves to know that.

Alderman Cashin stated that he just made a motion do it.

Chairman Reiniger made an observation. We can have a lot of this debate with the full Board tomorrow night.

Alderman Hirschmann said Your Honor, what I wanted to state was that the policy that we just passed does not address the previous money. It is a policy from this point forward and if that comes up tomorrow night, the policy we just passed does not address that previous money. That's it.

Deputy Clerk Johnson stated I just have one more question because the Solicitor raised the issue of the department head portion was not clear. Does the committee wish to exclude department heads from that ordinance?

Alderman Robert responded absolutely, I want to know what it is going to take to get this project done and I want to know what it is going to cost me if they are not in the loop because I am hearing Kevin telling me that it is going to cost us some money.

Alderman Cashin stated that he was withdrawing his vote. Department heads are out and he even said so. He runs the City.

Deputy Clerk Johnson asked if someone could make that as a motion and then someone could second it.

Chairman Reiniger said that it is his understanding that department heads are not included in that.

Alderman Cashin noted that he would make the motion.

Some discussion took place about what the previous motion was.

Chairman Reiniger noted that the gray area may be because we were all whispering. The gray area that the Solicitor said was deputy department heads. That is what I heard and department heads are excluded. That is what I thought I heard.

Alderman Cashin replied Mr. Chairman, may I and I am not going to belabor this but there is an ordinance on the books around here someplace that says certain people above a certain grade that meet certain criteria are exempt employees. That is how simple this thing is.

TABLED ITEM

Review of FY98 Finance Department positions.

Chairman Reiniger stated now we are done unless someone wants to take Item 4 off the table.

Alderman Cashin replied I will take it off the table.

Chairman Reiniger asked if there was a motion to move Item 4 off the table.

Alderman Cashin stated we discussed it at length at the other Personnel Committee meeting. You all know what happened here. You all know how it was done. I am saying that they didn't go through the process and that it should be rescinded and let them go through the process like everybody else does. This is not the first time they have done it, it is the second time at least to my knowledge.

Chairman Reiniger asked so you are moving to rescind.

Alderman Cashin stated I am moving to bring them back to the original grade that they were in. I am not asking to take any money from them. Whatever money they've got cause I've already tried, I'm not going to win that battle that is obvious, but if they were promoted from a Grade 26 to a Grade 29 or whatever the hell the numbers are they go back to the original grade and that they go through the process like every other department head is required to do. That means that they go to the Human Resources, they come to here, we approve it and it goes to the Board, its approved just like everybody else and that is my motion.

Alderman Robert seconded the motion for discussion only.

Alderman Robert asked Mr. Clougherty can you tell us what happened here.

Mr. Clougherty replied from Mark's perspective this was included in the budget it was an appropriated item, we talked to the Mayor, we talked to the Personnel, Human Resources Director, we submitted proper paperwork and it was processed. From our standpoint it's a legitimate item that should have been addressed right along.

Alderman Robert asked could you substantiate what you just said. Do you have copies of your paperwork? Are there copies of the paperwork in the Personnel Department?

Mr. Clougherty answered with all the forms and everything that were signed, I am sure...

Alderman Robert asked Mr. Hobson is that true.

Mr. Hobson replied well Tom I don't think Kevin said anything too different than what my memorandum said. We had a document existing in our department that was, I believe that date was somewhere around July 14th or 13th. The documents basically said that there were three Grade 29 positions in the budget process. These positions were called Senior Financial Analysts. One was dedicated to Aggregation, the Aggregation Project. Two of the positions, two of the Grade 29 positions were filled in-house and that, as Alderman Cashin said, that the people who were below 29's, I think they were at 27's, moved into those. The other position, the Aggregation Program was a new position added to the budget and that was also filled by someone in-house who moved from a 25 to a 29.

Alderman Robert said are you saying that everything was done properly and appropriately.

Mr. Hobson replied I am saying that to the best of my knowledge this came to my department after it went through the budget cycle.

Alderman Robert answered then everything was done. I don't know maybe somebody else could say this but is there something wrong here.

Alderman Domaingue stated the only question I have is when we went to the budget process, the Board was informed that there was one position that was going to be filled and what appears to have happened is that that position was not filled but the money for that position was taken and utilized for another purpose and I find that to be deceptive. So, unless you can tell me that the Board and the budget process was told we may fill this new position while we are creating it but then again we may not. If we were so informed of that I would be happy to back off, but right now I am looking at something, this piece of paper that tells me we approved one position and then two others...

Mr. Clougherty replied I think as part of the process we came in with our original proposal for the reorganization, we provided these forms and made it available in order to talk you people as part of the budget and went over it with the Mayor, went over it with Human Resources people, I think it was disclosed.

Alderman Domaingue asked in the budget process. As part of your reorganization?

Mr. Clougherty answered as part of our budget reorganization. It was part of the entire budget, you know, presentation. I guess from my standpoint Alderman, I, you know, I have always been one that said to the Board we shouldn't be doing reorganizations through a budget cycle because they are problematic. But that being said there was support for this. It was an important initiative and we provided information and we tried to be up front about what we were trying to do and the problems in our office we were trying to resolve and I, you know, thought we had touched all the bases and that people understood what we were trying to do.

Alderman Domaingue asked by upgrading people isn't that in effect giving them a raise.

Mr. Clougherty stated I think we made it clear that we had some issues in our department where several of our employees, predominantly women, were being paid less than counterparts you know in other departments doing the same work and that is an issue that had to be resolved and that is one of the things we were trying to get at through the Deputy Treasurer position and once that was done we tried to follow-through and deal with that issue and get it resolved. We thought we were up front about it, we provided the necessary information to people and in talking to the people that have come back and you know that are doing the classification stuff. Those people, what they are saying is even now with what has taken place as far as the budget, at least one of those people is still drastically underpaid. One of those woman and I think we are trying to make sure that we resolve this.

Alderman Domaingue replied that is a separate issue Mr. Clougherty.

Mr. Clougherty answered well I think it is the same issue.

Alderman Domaingue replied well it is in your mind but when you present a budget to a committee do you tell the committee that the reason you are asking for this additional provision is so that down the line you may split it between two other people and not fill it.

Mr. Clougherty answered no that is not what I am saying though. What I said to you is when we came to you with our original budget that is what we were trying to address. We laid that out, those items. As the budget process went along and the reorganization started to occur we said that there would be some changes. We provided the Mayor, you know, with breakouts. We provided Human Resources

with breakouts. We provided, I thought, all the detail necessary to get this accomplished and we talked to people about the change.

Alderman Wihby stated I would like to shed a little light on what happened with this or at least my perception of what happened with it. In the budget process as you remember, the Finance Department came to us. My understanding was they needed some extra positions for the PSNH thing, Aggregation. There were three positions I guess that were asked for. I think, and we looked at it and we funded it in the budget, the three new positions. My understanding of that was going to be was going to be three new positions because they had extra work to do, they were going to fill those three positions along with their compliment of employees. Have you filled three new positions, three new employees? Do you have three new employees?

Mr. Clougherty answered two.

Alderman Wihby replied you have two new employees. So when these three people moved up to those slots did you fill their bottom positions?

Mr. Clougherty answered we have filled one, two of them.

Alderman Wihby replied you filled two of them.

Mr. Clougherty stated again, we are trying to move people within the department.

Alderman Wihby stated so I think where we took it to be three new positions what they probably should have done is posted the positions and hired from within for those new positions and it wouldn't be called an upgrading it would be a new position and then they would have filled their lower positions that they have available from the vacancies. It seems like they moved people up to the higher ones and filled all of them or not in the bottom. We were told it wasn't to make the people even for what they were it was because they had so much work within the program that that is why they needed the positions and they wanted more positions but we needed money in Personnel so they cut one of the positions and we sent some more money to Personnel in the pool that they had. So, we knew there was going to be new positions for that program because the program needed new people and they needed more employees. I don't think anybody knew it was to upgrade anybody because they are women or because they weren't getting paid the right amount or anything like that.

Alderman Domaingue stated but that is a separate issue. We were dealing all year long with departments who came into us specifically asking for upgrades for their employees and we said no.

Alderman Wihby stated and I don't know if, has anybody through the budget process before not gone to Personnel.

Mark Hobson replied that he hasn't done research on it.

Alderman Wihby answered normally, even though it was done on the budget it would still go to Personnel, an ordinance would be drafted, we go to Bills and second reading and you go through that and in this case that wasn't done.

Alderman Cashin stated again, it is just like we were talking about earlier and I am not going to...there seems to be different rules for the Finance Department. I've got a problem with that. Mark let me ask you two questions. One, did they go through the same process that any other department head would have gone through for these upgrades. It requires a yes or no.

Mr. Hobson answered I know that is what you want me to say. Can I say, can I give an answer and then just allow me to explain something. The answer to that is no, but I have never gone through a budget process change position.

Alderman Cashin responded well if you would have been here two years ago you would have because they had done the same thing.

Mr. Hobson answered okay, so what I saw was, I just, you need to know what I saw was a budget that said I had three level 29 positions with the proper EIS forms filled out so we signed them.

Alderman Cashin asked when did you find out about these upgrades. How did you find out.

Mr. Hobson answered well, from, in July and August I worked both positions here and there so I was going to the Human Resources Office like a couple of days a week and I found out when I went there I had some phone calls from the Deputy who said that there were some documents that I needed to look at along with Janelle Larocque who is now the Comp and Benefits person. My best guess to you is that happened somewhere like July 14th to July 17th, somewhere in those few days.

Alderman Cashin asked how could these increases get into the computer system without you at least having some knowledge of it.

Mr. Hobson answered those...

Alderman Cashin asked and could any other department head do that or any other department.

Mr. Hobson replied I am fairly certain based on what I know of the HTE security system that those types of increases had to be done by the people with the right security in the Payroll module and to the best of my knowledge that security in the Payroll module is an honorary, Janelle Larocque, and myself in Human Resources. Before July 1 I don't know.

Alderman Cashin asked no other department head could do it.

Mr. Hobson answered to the best of my knowledge after July 1 it had to be done in our department.

Mr. Clougherty stated I would just like to make a clarification on that point is that the form was signed and approved by the Human Resources people and would have been keyed in by Human Resources people. It is not Finance going in and somehow doing something magical to the system here. We, the only way that those would have been entered is by Personnel after having the appropriate forms complete.

Alderman Cashin replied my only question, Kevin, was could any other department head do what you done and the answer was no.

Mr. Clougherty answered they would have done exactly what I did procedurally in terms of...

Alderman Cashin stated they would have come to the Personnel Committee. Kevin you and I debated this two years ago and I am not going to, don't, please because...

Chairman Reiniger stated that has been a motion as Alderman Cashin moved early on to be worded as rescinding the upgrades.

Deputy Clerk Johnson added and bringing it back to the original grades and having it go through the process, through the Human Resources Department, Personnel Committee and the Board.

Chairman Reiniger asked if there was a second to that motion.

Deputy Clerk Johnson noted that it was seconded by Alderman Robert for discussion purposes.

Alderman Cashin stated I will move the question.

Chairman Reiniger asked Alderman Robert are you going to keep your second.

Alderman Robert replied it was discussion and I won't upgrade it.

Chairman Reiniger asked you won't.

Alderman Robert answered no.

Alderman Cashin asked so what are you saying. Is there a motion and a second on the floor?

Chairman Reiniger stated the second was withdrawn is there a second to go forward. I am hearing no second. Would the committee like to do anything else with this issue.

Alderman Hirschmann stated I made a motion the other night at a similar meeting and carried it over to tonight and I stated that based on those upgrades being in the budget and being carried through that the position that wasn't filled to create those slots be eliminated. The second Deputy Finance Officer position should be eliminated and not filled. That was kept vacant to create this new position or this new grade. All it does is keep these people at 29's and gets rid of that other title so that won't be filled.

Alderman Domaingue seconded that motion.

Chairman Reiniger noted that there is a motion and a second to eliminate the second Deputy Finance Officer.

Alderman Wihby stated in the budget process we would have funded the same amount as your existing staff plus the three positions would be upgraded. I can't understand why money was taken out of a position to fund anything else. There has got to be something else going on.

Alderman Cashin replied there is something else going on here, exactly. I don't know what it is.

Alderman Wihby stated they should have enough to fill the positions plus the three new positions. That money was there. That was his amount that he asked me to give him and that is what I gave him. Now, or four positions even. There might have been four positions that I funded so if I funded the four positions there still should be an amount of money left over to fill that Deputy Assistant or whatever it is called, that whole amount should be in the budget. Kevin is telling me that he can't fill the position because he doesn't have enough money so I don't know where the money went.

Alderman Domaingue asked Mr. Chairman is it our job to find out where the money went or is it the Finance Department heads job to provide us with the information as to where the money went.

Mr. Clougherty said it says right here the second Deputy Finance Officer position was not filled. Funding for that position was substituted for the two additional Senior Financial Analyst positions, Grade 29. There is where the money went, for upgrades.

Alderman Wihby replied but we gave you the positions in the budget. You made them 29's and we gave you the number.

Alderman Cashin answered but David look at the date, November 17th.

Chairman Reiniger asked Mr. Hobson if he would like to shed any light on this.

Mr. Hobson stated well, I was, when I asked I am not going to get Kevin and Randy to dicker over the concept. When I asked Randy Sherman specifically okay you didn't get this, you didn't process this second Deputy Finance Officer position right, right I didn't see any paperwork on it so you know we don't have it. No, we used the funding through the budget process and now I am paraphrasing, we used the funding through the budget process to support these 29 positions. I assume he meant the two 29's and that there was an approximate department budget savings at that time of around \$25,000 now I think the reason why he said around \$25,000 was because what Kevin just told you was that they got another position that they are planning to fill which they still haven't filled yet so there is probably still some, you know the longer you don't fill a position obviously in the budget cycle you save that money so I think that is what Randy was trying to tell me.

Mr. Clougherty stated that is the junior position not a senior position.

Mr. Hobson replied not the Deputy, right.

Mr. Clougherty answered as we created these movements from within there is a vacancy in the office.

Mr. Hobson replied right, that goes back Kevin and I guess you don't have that in front of you. That goes back to this piece here. This is the piece that Human Resources sees in the budget process. So I think what you are telling us is that we are going to see at some point in time when it is needed we are going to see some Business Service Officer II position. Right?

Mr. Clougherty answered right.

Mr. Hobson stated and what Alderman Hirschmann said was then if for some reason and I understand what Alderman Wihby is saying. Alderman Hirschmann is saying is for some reason if this second Deputy Finance Officer position isn't needed then eliminate it.

Alderman Hirschmann replied and the whole amount should be eliminated. The whole...They have 24 people, I give them three new people. I fund all 24 and I fund all three new people or four new people okay, we will count them four, four new people at the 29, 29 27 and whatever it was okay. I funded those four people at that level. They hired, they moved these people they moved them up to have these positions open they got some extra money now we are eliminating one whole position. Why don't they have that money for that whole position left over. That is what I don't understand. They should be, they don't need to upgrade it because I already funded the upgrading.

Alderman Cashin asked where has that money gone.

Mr. Clougherty stated again, I didn't realize that we were going to get into this. I would like to go back and do a reconciliation for you but I don't have any of my documents or anything available. I thought we were going to be talking about something else. I can do that for you.

Alderman Wihby replied see, I thought the fourth position was the one that we came back and cut because they needed money so I never funded the fourth position that is what I thought and you don't have the fourth position. But it is not

because you transferred the money for the upgrades it is because he needed it for Personnel.

Mr. Clougherty stated we have to go back, let me go back and show you how that worked.

Mr. Hobson made a point that somewhere I have seen in my travels a paper trail that showed the funding that was transferred to my area, to our area, and that also created the other position which we did not discuss and that was that Senior Auditor position, the Grade 25. That, the Auditor function also became existent during this process as well which we haven't talked about at all but is on this piece of paper.

Alderman Wihby stated I think they came to us and wanted five new positions and we funded all five new positions. And then my understanding was is they didn't have enough for the big job because you needed money at the time because we only had that pool and you voted one number.

Mr. Hobson replied but what I am trying to say Alderman Wihby is that I am not trying to correct anybody I am just stating that if you look on this document it doesn't show the Senior Auditor position. I am just stating that there is some paperwork I saw due to the reorganization in our area that showed where that number was for that 25 that Auditor position. And we won't settle this tonight I just know that there is something here that shows the 25.

Motion moved by Alderman Hirschmann, and duly seconded by Alderman Domaingue to eliminate the second Deputy Finance Officer position.

Motion moved by Alderman Domaingue and duly seconded by Alderman Cashin to have the Finance Director come back to the next Personnel Committee meeting with an explanation on the paper trail of those paid positions and what the increases to Grade 29's met for each individual who was given them.

Alderman Wihby asked does this committee want to take an action for the full board that says any positions in the budget that are made in the budget still have to come to Personnel. We could probably make that motion first because we are going to be doing the next budget. So even though it is okayed in the budget process they still have to come to Personnel for approval.

Alderman Domaingue asked do we have a current policy that contradicts that. I support it I just want to make sure that we are not going to find out tomorrow

morning that someone has researched it and guess what we have a contradictory policy. We don't want to be doing that again.

Chairman Reiniger stated I don't think so.

Alderman Domaingue replied pending no contradictory policy.

On motion of Alderman Cashin, duly seconded by Alderman Robert, it was voted to recommend that any positions that are made in the budget have to go to the Personnel Committee for approval.

Chairman Reiniger stated and finally, Mr. Hobson has something on a happier business note.

Mr. Hobson stated we have some work to do as a committee for, under the Charter revision. A positive step that I think we need to do under the Charter revision is that we need to develop a process, a hiring process under 3003 for selection of department heads and we have our first instance where we have to do that in that the Building Department Head is retiring. So, before we proceed to replace him I think, I believe we need to follow this process under the Charter.

Alderman Robert asked so are you saying that you want to develop an ordinance for the committee's approval.

Mr. Hobson replied it says a procedure and I think the procedure should come through here first before it goes to the full board.

Alderman Robert asked so do you have a recommendation.

Mr. Hobson answered not tonight. I would like you to, I am sorry I didn't prepare one for tonight I just realized today that we had to...

Alderman Cashin asked so this is information and you are going to come in with a procedure.

Mr. Hobson asked that is what I would, I would be directed to do that right.

Alderman Domaingue asked does he need a motion for that. I would think that the Charter was pretty clear.

There was no reply to Alderman Domaingue's question.

There being no further business to come before the Committee, on motion of Alderman Cashin, duly seconded by Alderman Robert, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee