



Request for City Council Committee Action from the Department of Human Resources

Date: January 2, 2009

To: Mayor R. T. Rybak and the Executive Committee

Referral to: Ways and Means Committee

Subject: New Appointed Position: Litigation Managing Attorney (663 points, grade 14)

Recommendation:

1. Find that the proposed position meets the criteria in Section 20.1010, Council to Establish (Appointed) Positions, as follows:
 - (1) The person occupying the position will report to the head of the designated city department or the designated city department head's deputy.
 - (2) The person occupying the position will be part of the designated department head's management team.
 - (3) The duties of the position involve significant discretion and substantial involvement in the development, interpretation, or implementation of city or department policy.
 - (4) The duties of the position do not primarily require technical expertise where continuity in the position would be significant.
 - (5) The person occupying the position needs to be accountable to, loyal to, and compatible with the mayor, the city council, and the department head.
2. Approve the proposed position: Litigation Managing Attorney (Appointed), allocated to grade 14 with 663 points.
3. Approve an annual salary for the position that is not in accordance with the adopted appointed employee's compensation plan, but provides promotional incentive as the represented jobs that the position will supervise have established salary rates that are above what would be provided, with a top-step salary rate of \$105,549, by the appointed employee's compensation plan. The proposed salary schedule is proportionately between the salary rates for Assistant City Attorney III, an AFSCME-represented job with 593 total points, allocated to grade 13, and Deputy City Attorney – Civil, an appointed position with 740 total points and allocated to grade 16. The 2008 salary schedules for all of these jobs are shown below:

Deputy City Attorney Civil	Points/Grade	Step A	Step B	Step C	Step D
	740 / 16	\$106,807	\$112,429	\$115,801	\$118,050

Assistant City Attorney III	Points/Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
	593 / 13	70,615	81,480	85,976	90,530	95,441	100,563	106,100	111,380

Assistant City Attorney II	Points/Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
	543 / 12	66,476	76,806	81,092	85,410	90,025	94,936	100,027	105,089

Effective January 2, 2009

Litigation Managing Attorney	Points/Grade	Step A	Step B	Step C	Step D
	663 / 14	\$103,646	\$109,101	\$112,374	\$114,556

Previous Directives: None.

Prepared or Submitted by: Timothy Giles, Director of Employee Services; 673-3341

Approved by: _____

Pam French
Director of Human Resources

Steven Bosacker
City Coordinator

Permanent Review Committee (PRC) - Not Applicable

Policy Review Group (PRG) - Not Applicable

Presenters in Committee: Pam Nelms, Human Resources Senior Consultant 673-3344

Financial Impact (Check those that apply)

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the ____ Capital Budget or ____ Operating Budget.

Action provides increased revenue for appropriation increase.

Action requires use of contingency or reserves.

Business Plan: ____ Action is within the plan. ____ Action requires a change to plan.

Other financial impact (Explain):

Request provided to department's finance contact when provided to the Committee Coordinator.

Background/Supporting Information

Dear Mayor Rybak:

The City Attorney is proposing the creation of an appointed position that will report directly to the Deputy City Attorney - Civil. The position will place a layer of management between the Deputy City Attorney Civil and the Civil Litigation Team Members. This arrangement will help address the long-standing span of control issues in the City Attorney's Office Civil division. Currently the Deputy City Attorney - Civil supervises thirty-one individuals, including twenty-six attorneys who provide client services and litigation support to the City and City Departments. The proposed position will supervise the civil litigation team composed of Assistant City Attorneys I, II and III, Paralegals, and an Investigator, so that the Deputy would have a smaller, more manageable number of direct reports. The position will also function as the point person within the City Attorney's Office, specifically and directly responsible for the litigation-support efforts and for developing plans to minimize the City's liability exposure in litigation matters.

The position will be responsible for but not limited to the following specific duties and responsibilities.

- Supervise the Civil Litigation Team consisting of three Assistant City Attorneys III, two Assistant City Attorneys II, six Assistant City Attorneys I, four Paralegals, and one Liability Investigator.
- Manage the Civil Litigation Team, based on the department and division's business plans; organize and prioritize the team's resources to ensure that all litigation is handled efficiently, effectively, and resolved in the best interest of the City:
- Represent the City, its officials and employees in adverse matters in the claims stage and at the trial and appellate levels in both federal and state courts and in various administrative settings – in cases involving claims of constitutional and civil rights violations, wrongful death, personal injury, tort actions, commercial and construction disputes, etc.
- Provide operational support as part of the City Attorney's Management Team.

Below is a summary of the study conducted to ensure proper evaluation of the position. See attached classification report for a complete description and a more detailed discussion of the factor analysis.

Factor	Points	Analysis
Pre-requisite Knowledge (1)	80 points	Jurist Doctorate degree; licensed to practice law in Minnesota, and at least ten years experience in all aspects of civil litigation practice. Must demonstrate ability to lead a work team or significant project and must have excellent negotiation skills.
Decisions and Actions (2)	70 points	This position will regularly make independent decisions of significance; will have considerable discretion and freedom to act, and will provide legal advice to City Officials and employees. This position will provide leadership to the division in the absence of the Deputy City Attorney – Civil.
Supervisory Responsibility (3)	20 points	The position will supervise three Assistant City Attorneys III, two Assistant City Attorneys II, six Assistant City Attorneys I, four Paralegals, and one Liability Investigator, for a total of sixteen employees.
Relationships Responsibility (4)	75 points	Wide variety of contacts internally and externally of considerable importance: Daily or frequent contact with the Deputy City Attorney and others in the civil division

		and other members of the City Attorney's office, the Communications Department regarding cases receiving media attention, Police Department, Human Resources managers, and regular contact with the Mayor, Council Members, the City Coordinator and other City Department leaders and managers. External contacts include District Court personnel, citizens of Minneapolis and others.
Working Conditions (5)	20 points	Normal office setting.
Effort (6)	70 points	Significant time pressures and deadlines, working with highly detailed, potentially difficult topics in a politically sensitive, litigious environment.

Attached: Classification Report

Facts supporting the five criteria of Minneapolis Code of Ordinances, Section 20.1010 are listed at the end of the attached classification study.