



Request for City Council Committee Action From the Human Resources Department

Date: March 22, 2006
To: Executive Committee
Referral to: Ways & Means/Budget Committee

Subject: Request for the establishment of unclassified positions pursuant to M.C.O. § 20.1010.

Recommendation:

That the City Council do the following:

1. Adopt and incorporate herein the process of analysis used by the Department of Human Resources that was used to determine whether positions meet the five criteria as required by 2003 Minn. Laws, ch. 115 and section 20.1010 of the Minneapolis Code of Ordinances.
2. Find that the positions listed on the spreadsheet attachment entitled "Unclassified Appointed Positions Adopted under Section 20.1010 of the Minneapolis Code of Ordinances" that indicate yes listed in the "Adopt under M.C.O. §20.101?" column each meet the following five criteria:
 - (1) The person occupying the position must report to the head of the designated city department or the designated city department head's deputy.
 - (2) The person occupying the position must be part of the designated department head's management team.
 - (3) The duties of the position must involve significant discretion and substantial involvement in the development, interpretation, or implementation of city or department policy.
 - (4) The duties of the position must not primarily require technical expertise where continuity in the position would be significant.
 - (5) There is a need for the person occupying the position to be accountable to, loyal to, and compatible with the mayor, the city council, and the department head.
3. Find that the positions listed on the spreadsheet attachment entitled "Unclassified Appointed Positions Adopted under Section 20.1010 of the Minneapolis Code of Ordinances" that indicate yes listed in the "Adopt under M.C.O. §20.1010?" column are created in the unclassified service pursuant to section 20.1010 of the Minneapolis Code of Ordinances.
4. Find that the number of positions to be created for any job title be for the number of positions listed on the spreadsheet attachment entitled "Unclassified Appointed Positions Adopted under Section 20.1010 of the Minneapolis Code of Ordinances" in the column entitled "# of positions."

Previous Directives: None.

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Director of Human Resources

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Approved by: _____
Pam French
Director of Human Resources

Steven Bosacker
City Coordinator

Presenter in Committee: Pam French, Director of Human Resources

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

- Neighborhood Notification
- City Goals:
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information

On May 25, 2003, a special law (2003 Minn. Laws, ch. 115) was enacted that allows the City to, by ordinance, establish positions in the unclassified service of the city and authorize terms and conditions of employment for the positions. The special law enumerated the five criteria that must be met for a position to qualify as an unclassified position. On November 7, 2003, the City passed a new ordinance under Article XII, Unclassified Service, Sections 20.1000 – 20.1050. As is required by the special law, the ordinance requires that the City Council adopt findings on whether the five criteria are met for a position to be placed into the unclassified service.

In this action, the City is recreating authorization for existing unclassified positions under section 20.1010 of the Minneapolis Code of Ordinances. The authorization for department head positions and non-department head positions that have been appointed under authority contained in the City Charter will remain the same. Once classified positions have been recreated pursuant to this action, the City will have numerous special laws, which previously authorized the existence of the unclassified positions, legislatively repealed in 2006.

The five criteria that must be met for a position to qualify as an unclassified position, under Minneapolis Code of Ordinances, § 20.1010, are:

- (1) The person occupying the position must report to the head of the designated city department or the designated city department head's deputy.
- (2) The person occupying the position must be part of the designated department head's management team.

- (3) The duties of the position must involve significant discretion and substantial involvement in the development, interpretation, or implementation of city or department policy.
- (4) The duties of the position must not primarily require technical expertise where continuity in the position would be significant.
- (5) There is a need for the person occupying the position to be accountable to, loyal to, and compatible with the mayor, the city council, and the department head.

The Human Resources Department has analyzed all of the existing unclassified positions within the City to determine if the positions meet the 5 criteria listed above, as is required by the special law and by Section 20.1010 of the Minneapolis Code of Ordinances. The process used to analyze the existing positions is as follows:

- Human Resources compiled a list of all unclassified positions existing in each department.
- For each position on the department list, the department was required to complete both parts of a form entitled “Unclassified Position Justification Report.”
- If any unclassified positions within the department were not listed on the department list, the department was asked to complete an Unclassified Position Justification Report for each of the missing positions.
- Part I of the Unclassified Position Justification Report required the departments to provide specific information about the status of each position. Departments were asked to indicate whether each unclassified position in the department was filled, vacant or had been eliminated. Departments were also asked to indicate the need to have a classification re-evaluated or a title review conducted.
- Part II of the Unclassified Position Justification Report required departments to provide specific information for each of the five criteria that must be met to authorize the position as unclassified under section 20.1010 of the Minneapolis Code of Ordinances. Departments were also asked to provide a copy of the department’s organizational chart. The organizational chart was used by Human Resources to determine if the position met the criteria of reporting to the head of the designated city department or the designated city department head's deputy. Department heads were required to review and sign each Unclassified Position Justification Report.
- The completed Unclassified Position Justification Reports were then reviewed by Human Resources to ensure that both parts of the form were complete and to determine which positions met the five criteria of section 20.1010 of the Minneapolis Code of Ordinances.
- Attached is an example of documentation that was sent to the City Attorney’s Office for completion.
- Positions that are being created through this Council Action are listed on the attached spreadsheet entitled “Unclassified Appointed Positions Adopted under Section 20.1010 of the Minneapolis Code of Ordinances” and indicated yes in the “Adopt under M.C.O. §20.1010?” column. The Human Resources Department has determined, through its extensive process of analysis, that such positions meet the five criteria listed above, as required by the special law and section 20.1010 of the Minneapolis Code of Ordinances.
- The authority for Charter Department Head positions will remain under the City Charter. Also, positions that are not Charter Department Head positions, but that are authorized by the City Charter, will remain authorized under the City Charter and will not be created under this Request for City Council Committee Action. Positions that have already been created individually pursuant to section 20.1010 of the Minneapolis Code of Ordinances through City Council action will not be recreated through this request.

The Human Resources Department recommends that the City Council:

1. Adopt the process of analysis used by the Department of Human Resources that was used to determine whether the positions meet the five criteria as required by 2003 Minn. Laws, ch. 115 and section 20.1010 of the Minneapolis Code of Ordinances.

2. Find that the positions listed on the spreadsheet attachment entitled "Unclassified Appointed Positions Adopted under Section 20.1010 of the Minneapolis Code of Ordinances" that have indicated yes listed in the "Adopt under M.C.O. §20.1010?" column each meet the five criteria listed above and that the positions therefore meet the criteria under Minneapolis Code of Ordinances, Section 20.1010 to be in the unclassified service.
3. Find that the number of positions to be created for any job title be for the number of positions listed on the spreadsheet attachment entitled "Unclassified Appointed Positions Adopted under Section 20.1010 of the Minneapolis Code of Ordinances" in the column entitled "# of positions"