SPECIAL COUNCIL MEETING

A Special Council Meeting was held on February 22, 2016 at 5:31 p.m. with Council President Slavin presiding. Members present were Mr. Cole (arrived at 5:37 p.m.), Mr. Hare, Mr. Hosfelt, Mr. Hutchison, Mr. Lewis (arrived at 5:34 p.m.), Mr. Neil, and Mr. Sudler. Mr. Anderson was absent. Mayor Christiansen was also present.

Council staff members present were Mr. Koenig, Mrs. Mitchell, Mrs. Townshend, and Mrs. McDowell.

Others present were Mr. Hudson, Assistant City Manager; Mrs. Hawkins, Director of Human Resources; and Mr. Neaton, Economic Development Director.

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Hutchison and unanimously carried.

By unanimous consent, consideration of item #2, Overview of Evaluation Process, was deferred until after consideration of item #3A - Sale of Land.

Mr. Sudler moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(2) - preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property and pursuant to 29 Del. C. §10004(b)(9) - personnel matters. The motion was seconded by Mr. Neil and unanimously carried.

The Special Meeting recessed at 5:33 p.m.

Mr. Neil moved to adjourn the Executive Session, seconded by Mr. Hutchison and unanimously carried.

Executive Session adjourned at 6:10 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Sale of Land

During the Executive Session, Mr. Scott Koenig, City Manager, advised members of an offer to purchase a City-owned property.

Mr. Hare moved to authorize the City Manager to negotiate the final terms of the sale. The motion was seconded by Mr. Neil.

Mr. Koenig requested members to clarify if he was to proceed with the contract and sale or to negotiate the final terms of the sale and bring the offer back to Council for approval.

Mr. Hare suggested amending the motion to include bringing the final offer back to City Council for approval.

Mayor Christiansen requested that he and Mr. William Neaton, Director of Economic Development, be involved with negotiating the final terms of the sale, as well as a member of City Council, to provide accountability.

Mr. Hare moved to amend the motion to include bringing the final offer back to City Council for approval. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

The motion to authorize the City Manager to negotiate the final terms of the sale and to bring the final offer back to City Council for approval was carried by a roll call vote of five (5) yes (Hutchison, Hare, Cole, Neil, and Sudler), three (3) no (Lewis, Hosfelt, and Slavin), and one (1) absent (Anderson).

Overview of Evaluation Process - Kim Hawkins, Director of Human Resources

Members were provided a blank Employee Performance Evaluation Form ***(Exhibit #1)***. Mrs. Kim Hawkins, Director of Human Resources, advised members that Part 1 of the evaluation addresses Core Competencies and Part II addresses Performance Competencies. She stated that, once completed, the evaluation would be presented to the employee for review at least two (2) days before discussing it with them. After meeting and discussing the evaluation with the employee, any necessary modifications would be made, the employee would be met with once again, and signatures would be obtained. A copy of the evaluation would then be sent to the Human Resources Department, who would place it in the employee's personnel file as a permanent record. Mrs. Hawkins requested members to be as specific as possible when completing the Core Competencies and to make sure that the evaluation is completed for the full evaluation period rather than focusing on performance over the past 30 or 60 days. Since Council members are typically offsite, she indicated that they may want to consider reaching out to individuals within the City, such as department heads and other staff, regarding their interaction with Council appointed staff.

Mr. Sudler questioned if this was a good idea, stating that those consulted might take this opportunity to lash out at those being evaluated. He felt that this would be like having staff members evaluate the employee and that it would be better for members to come in and review this themselves. Responding, Mrs. Hawkins indicated that reaching out would provide what is called 360-degree feedback. For example, if this type of lashing out occurred, Council, as supervisors, would want to know if this was fair or unjust. She recommended reaching out to employees who have direct contact with the employee being evaluated, such as department heads or staff who are immediately supervised by the employee.

Mrs. Hawkins noted that the Core Competencies section addresses areas needing improvement. Although the employees that Council would evaluate were at a professional level, she encouraged members to offer suggestions regarding development plans, since this might open doors for staff to think outside the box and find ways to improve skill sets. Mrs. Hawkins stated that goals established for employees should be Specific, Measurable, Attainable, Realistically High, and Targeted (SMART).

In response to Mr. Sudler, Mrs. Hawkins agreed to provide job descriptions for all Council appointed employees.

Mrs. Hawkins noted Core Competencies Item #5 asked for a list of specific activities that members would like the employee to accomplish during the next year, noting that these may not always be goals but may include attendance at training.

Responding to Mr. Neil regarding whether the evaluation should be completed this evening, Mrs. Hawkins indicated that she recommends that supervisors put the same due diligence into an evaluation that they would want for their own evaluation. She advised members that the policy states the evaluation should be completed on an employee's anniversary date of hire, noting that the date of hire for Mrs. Donna Mitchell, Controller/Treasurer, was October 16, 2000. Mrs. Hawkins noted that the anniversary date for Mr. Scott Koenig, City Manager, was in September, and the date for Mrs. Traci McDowell, City Clerk, was in August. Mrs. Hawkins was unsure of the dates for other Council appointed employees.

Mr. Sudler requested that the starting date for each employee be noted on the job descriptions to be provided.

Mr. Neil questioned if Council members should get together or submit individual evaluation forms. Responding, Mrs. Hawkins stated that this would be up to Council; however, she would like to have only one (1) document if possible.

Mr. Hutchison indicated that the Council President interacts with every employee who reports to Council on a daily basis. Noting that members had their own points of view and would have input, he suggested that members share their thoughts and ideas with the Council President, since it did not make sense for each Council member to write a separate document. Mr. Neil concurred.

Mrs. McDowell advised members that in the past each member had filled out an evaluation. She compiled the evaluations and developed an average of the scores, and the information was then included in one (1) document.

Mr. Lewis felt that each individual Council member should score the employees.

Mr. Slavin questioned if members would be comfortable with him synthesizing their commentary into one (1) document and sharing it with members before it is submitted.

Mr. Lewis stated that in his previous experience conducting evaluations for administrators with the Capital School District Board, their practice was to go through the employees' personnel files each year during the evaluation process to review attendance records, accommodations made, disciplinary action, etc. in the presence of Human Resources staff. Mr. Lewis indicated that he would feel more comfortable if this information were provided.

Mr. Neil questioned if members would wait until October to perform Mrs. Mitchell's evaluation. Responding, Mr. Slavin indicated that Mrs. Mitchell's evaluation was overdue, as were the others, and stated that the goal was to catch up and get back on schedule. He suggested that members score the evaluations and provide him comments by March 14, 2016, the date of the next Council meeting. He noted that those who want to look at personnel records must inspect them and copies would not be made of this information.

Mrs. Hawkins stated that she had attendance and discipline records with her and noted that any discipline involved would have been issued by City Council.

Mrs. Mitchell advised members that she had sent her job description, organizational chart, and attendance records to Mrs. McDowell.

Mrs. McDowell noted that two (2) additional performance evaluations were already scheduled for March 14, 2016 and may need to be rescheduled.

Mr. Hare did not feel it necessary to go through the personnel file, noting that members would have attendance information and a job description, and would know if discipline was issued.

Mr. Hosfelt stated that he did not have a problem with members working through Mrs. Hawkins to review personnel files.

Mr. Hawkins stated that the Human Resources Department reports to the City Manager and may not have complete files on Council appointees. Noting that Mrs. McDowell, Mrs. Mitchell, and Mr. Koenig were long-term employees, she felt that some of this information may be located in the Clerk's Office and some in Human Resources. Mrs. Hawkins recommended that she and Mrs. McDowell go through the personnel files to gather any information needed and provide copies accordingly.

Mr. Hosfelt noted that this may include previous evaluations.

Mr. Hare stated that there could be some information in a personnel file, such as legal and pay matters that do not affect job performance, that Council should not be privy to.

Mr. Hosfelt concurred with Mr. Lewis that Council, as supervisors, should know these things at some point. He indicated that this type of information had been available to him as Chief of Police. Responding, Mr. Hare felt that the Police Department was different; however, an employee's child custody or wage attachment issue was not the business of a supervisor and should not be seen.

Mr. Sudler suggested stipulating that things that do not directly affect the performance of the employee should not be included when reviewing the file. He also expressed his opinion that all files should be in Human Resources and not separated between the Clerk's Office and Human Resources.

Mr. Slavin noted that, with the hybrid form of government in the City, the Human Resources Department reports to the City Manager.

Mrs. Hawkins advised members that the Human Resources Department has no records for the Police Department.

Mrs. Mitchell stated that she was unsure if wage attachments were included in personnel files, noting that they are included in payroll files in the Finance Department.

Mr. Hare felt that members should ask for what they want to see, and Mrs. Hawkins stated that this would be her recommendation. She suggested that if there was something that members were seeking beyond what was being provided, they should let the Human Resources Department know.

Mr. Sudler felt that information provided should include suspensions and written and verbal reprimands. Responding, Mrs. Hawkins indicated that this type of information would have come from Council.

Mr. Slavin stated his understanding that members were comfortable with getting the evaluation scored within two (2) weeks and sending their comments to him to be synthesized. He would then get the evaluation back to members so that it could be finalized in two (2) weeks in an executive session. He noted that two (2) other evaluations were scheduled for March 14, 2016. If members were comfortable scoring the evaluations on that night, they could do so, or they could choose to take these evaluations with them on March 14, 2016 and provide another two (2) week window to get them done. He stated his hope that evaluations could all be caught up in the next four (4) weeks.

Mr. Sudler requested that job descriptions be emailed to members. Mrs. Hawkins stated she would send them to Mrs. McDowell to be distributed.

Mr. Lewis stated, if there was controversy over this matter, that he would like a legal opinion about what Council could and could not do as far as reviewing the personnel file.

Mr. Slavin stated that this could be requested; however, his own opinion was that members have the same rights as the Council President. They are all supervisors, and should be able to go through the files. He did not feel there was any prohibition against it. Mr. Slavin asked, as a courtesy, that this time be set up with the various parties.

Mr. Hare felt that members should have interacted with the people who work for them and should know what these employees do and are supposed to do. Mr. Hosfelt noted that some members were new to Council. Mr. Hare felt that members should be able to form their opinions and should know what type of job staff was doing.

Mr. Slavin stated that members would receive Mrs. Mitchell's job description the following day and requested members to score the 20 Performance Competencies within the next two (2) weeks and provide him with any comments they would like to add within one (1) week.

Mr. Slavin questioned whether comments should be included only for the five (5) Core Competencies. Responding, Mrs. Hawkins indicated that staff preferred comments throughout the entire evaluation.

Mr. Slavin requested that if they wished to correlate comments to questions, members should cite the number of the question and section and he would compile it into one (1) document. He stated that members would meet in two (2) weeks in executive session to review Mrs. Mitchell's evaluation and present it to her. Mrs. Hawkins stated that members should present the evaluation to Mrs. Mitchell in advance, to allow her time to review it so that she can interact and discuss it.

Mr. Sudler questioned if members or Human Resources would be providing an improvement plan. Responding, Mrs. Hawkins stated that her services were always available; however, it is the supervisor who typically develops the improvement plan. She offered her assistance with this if members saw an area that needed improvement.

Mr. Sudler asked if there was a format for an improvement plan from the Human Resources perspective. Responding, Mrs. Hawkins stated that staff had created Performance Improvement Plans (PIP) for specific individuals where weaknesses were observed. She advised that Human Resources could assist in talking through what the weaknesses were and how they could be improved.

Ms. Slavin noted that another option would be to cite areas that need improvement in the evaluation and review it again in 90 days or six (6) months. Responding, Mrs. Hawkins stated that if an employee was performing badly, guidance should be provided on how they can get help so that everyone would not be in the same position in 90 days.

Mr. Slavin stated that members would leave tonight with the charge to do the scoring for Mrs. Mitchell's evaluation and get their comments to Mr. Slavin. In two (2) weeks, there would be a draft evaluation. Members would meet without Mrs. Mitchell in the room to review the draft evaluation and make sure that they were satisfied with the evaluation, present it to Mrs. Mitchell, and give her the opportunity two (2) weeks after that to come in again, when the evaluation would be finalized. In the interim, members could start scoring the other evaluations.

In response to Mrs. Hawkins regarding the other two (2) employee evaluations that Council would be working on, Mrs. McDowell stated that these employees were Mr. Scott Koenig, City Manager, and Mrs. Cheryl Bundek, Tax Assessor.

Mr. Neil moved for adjournment, seconded by Mr. Cole and unanimously carried.

The Special Meeting adjourned at 6:39 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of February 22, 2016 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Blank Employee Performance Evaluation Form

Employee's Name:

Title:

Supervisor:

Review Period

Instructions for the Employee Performance Evaluation
September 2013

- Annual reviews are required for all employees and shall be completed on the anniversary of the employee's hire date.
- Before conducting a performance evaluation, a supervisor must give an employee a reasonable time to demonstrate performance.
- A supervisor shall arrange to meet with the employee to discuss the employee's evaluation no later than 30 days after the anniversary of the employee's hire date.

COMPLETING THE EMPLOYEE PERFORMANCE EVALUATION

PART 1: Core Competencies
This section is to include comments on the degree and qualities of the results achieved and note any extenuating circumstances affecting the results regarding the employee's performance. It is important to evaluate and discuss the employee's overall job performance and provide specific details and examples of exceptional performance as well as any areas needing improvement. It is necessary to provide a development plan to improve performance if deficiencies are noted. List any specific activities the employee can accomplish within the next year as part of their professional development plan.

This section of the evaluation is not scored.

PART 2: Performance Competencies
Each employee shall be evaluated on all the Performance Competencies in Part II with the exception of categories that do not pertain to that specific employee. That category would be scored as New/Not Applicable, (example: Question #11 will not pertain to all employees as it is directed towards a supervisor) and not count in the employee's overall scoring.

Total the scores awarded for each performance competencies. Divide the total by the number of performance competencies graded. Place the score in the Scoring Table for Part II.

Review with the Employee

The supervisor shall meet with the employee to discuss and review the evaluation. The supervisor shall provide a copy of the completed evaluation at a minimum of two days prior to the meeting to the employee. This will allow the employee an opportunity to review the evaluation prior to the meeting. During the review, the individual's performance, strengths, and developmental needs are to be discussed.

Signatures

The employee and the supervisor are required to sign the evaluation once it has been reviewed together. The employee may be subject to discipline for refusing to sign the performance evaluation. The employee and supervisor may attach an addendum. The evaluation shall be presented to the Department Head for review and signature. The Department Head shall then forward the evaluation to the Human Resources Director.

A copy of the evaluation is to be provided to the employee. The employee shall be informed that the evaluation will be placed in the employee's personnel file maintained in the Human Resources Department. Evaluations become a permanent record in the employee's file.

Employee Performance Evaluation

Employee's Name:
Title:
Supervisor:
Review Period:

Employee Performance Evaluation

Part I Core Competencies

1. Evaluate and discuss the employee's overall job performance during the review period. Provide specific examples.

2. Provide any examples of exceptional performance.

3. For any areas needing improvement, provide examples and develop a plan to improve performance.

4. State and discuss the expectations and goals for the upcoming review period. Goals are to be S.M.A.R.T. (specific, measurable, attainable, realistically high, and target dated).

5. List specific activities the employee can accomplish within the upcoming review period as part of their professional development plan.

Employee's Name:
Title:
Supervisor:
Review Period:

Employee Performance Evaluation

Part II Performance Competencies

(Depending on position, some competencies may be more relevant than others)

		Distinguished Contributor	Performance Improver	Valued Contributor	Improving Contributor	Non-Contributor
Distinguished Contributor:	**Effects measurable and lasting improvements in organizational performance.**					
Performance Improver:	**Contributes more than effective performance of essential functions and enhances the performance self and others requirements.**					
Valued Contributor:	**Performs essential functions of the job Effectively.**					
Improving Contributor:	**Learning the essential functions of the job, or improving toward effective performance of all essential.**					
Non-Contributor:	**Not able or willing to perform the essential functions of the job.**					
New/Not Applicable:	**Not applicable or new would be a new employee or a specific task that does not apply to a particular person.**					
Example: Displays fairness toward all subordinates.		*NA*				
Example: Displays fairness toward all subordinates.		*5*				
1.	**Skill and proficiency in carrying out duties and assignments** *Comments:*					
2.	**Possesses skills and knowledge to perform the job competently** *Comments:*					
3.	**Skill at planning, organizing and prioritizing workload (For self and direct reports, if applicable)** *Comments:*					
4.	**Holds self accountable for assigned responsibilities, sees tasks through to completion in a timely manner** *Comments:*					
5.	**Proficiency at improving work methods and procedures as a means toward greater efficiency** *Comments:*					
6.	**Communicates effectively with supervisor, coworkers, and staff** *Comments:*					
7.	**Ability to work independently** *Comments:*					
8.	**Willingness to take on additional responsibilities** *Comments:*					
9.	**Reliability (attendance, punctuality, meeting deadlines)** *Comments:*					

Employee's Name:

Title:

Supervisor:

Review Period:

Employee Performance Evaluation

		Distinguished Contributor	Performance Improver	Valued Contributor	Improving Contributor	Non-Contributor
Distinguished Contributor:	**Effects measurable and lasting improvements in organizational performance.**					
Performance Improver:	**Contributes more than effective performance of essential functions and enhances the performance self and others requirements.**					
Valued Contributor:	**Performs all essential functions of the job Effectively.**					
Improving Contributor:	**Learning the essential functions of the job, or improving toward effective performance of all essential.**					
Non-Contributor:	**Not able or willing to perform the essential functions of the job.**					
New/Not Applicable:	**Not applicable or new would be a new employee or a specific task that does not apply to a particular person.**					
10.	**Proficiency at analyzing facts, problem solving, decision-making, and demonstrating good judgment** *Comments:*					
11.	**Displays fairness towards all subordinates** *Comments:*					
12.	**Assists employees with skills development or enhancement** *Comments:*					
13.	**Delegates responsibility where appropriate** *Comments:*					
14.	**Takes timely and appropriate corrective/disciplinary action with employees** *Comments:*					
15.	**Observes proper workplace and job site safety rules and ensures employees follow proper safety guidelines** *Comments:*					
16.	**Takes specific steps to create and develop the workforce and promote a team based environment** *Comments:*					
17.	**Displays a positive attitude toward career** *Comments:*					
18.	**Exercises common sense and discretion when required** *Comments:*					
19.	**Can be trusted with sensitive information** *Comments:*					
20.	**Uses critical thinking in stressful situations** *Comments:*					

Employee Performance Evaluation

Employee's Name:
Title:
Supervisor:
Review Period:

Scoring Table	
Core Competencies (Part I) are not rated. Total the points earned for questions in Part II and place scores in the appropriate column and divide by the total number of applicable items scored.	
Factors Scored	Total Score Per Section
Part I Core Competencies, Questions 1- 5	Not Scored
Part II Questions 1 - 20	
Total Score in Part II/ Number of Scored Performance Competencies	

Performance Rating Definitions		
5	Distinguished Contributor	Effects measurable and lasting improvements in organizational performance.
4	Performance Improver	Contributes more than effective performance of essential functions and enhances the performance of self and others.
3	Valued Contributor	Performs all essential functions of the job effectively.
2	Improving Contributor	Learning the essential functions of the job, or improving toward effective performance of all essential functions.
1	Non-contributor	Not able or willing to perform the essential functions of the job & unacceptable.

Employee's Name:

Title:

Supervisor:

Review Period:

Employee Performance Evaluation

Signatures

The employee and the evaluator are required to sign in the space below after they have reviewed the evaluation. The employee's signature does not necessarily indicate agreement with the evaluation. Any written comments made by the employee must be attached. The Performance Evaluation will be placed in the employee's official personnel file. A copy is to be provided to the employee.

Employee: I have had this evaluation explained to me.

- ☐ I agree with this evaluation.
- ☐ I do not agree with this evaluation.
- ☐ I wish to appeal this evaluation.
- ☐ I have attached an addendum to this evaluation.

_____ _____

Signature of Employee Date

Evaluator: I have explained this evaluation to the employee and attest that the information contained herein represents my best judgment of the employee's performance.

- ☐ I have attached an addendum to this evaluation.

_____ _____

Signature of Evaluator Date

_____ _____

Signature of Department Head Date