

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, January 5, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Julie Jensen, Steve Sherman and Chief Dan Hatten. Absent from the meeting Chairperson Mark Jelkin.

The meeting was called to order by Commissioner Julie Jensen at 5:40 p.m.

Commissioner Jensen asked if there were any changes to the minutes from the December 1st meeting. With there being none a motion was made by Steve Sherman, seconded by Julie Jensen, to approve the minutes from the December meeting. Motion carried.

Chief Hatten then updated the Commission with regard to the status of the communication specialists. He stated that Tracy King had been hired and was in field training at this time. He said that she was doing quite well and felt she was ahead of schedule. Shannon Shermann was also hired and in field training. He stated that with her previous experience in communications she was picking things up fast and felt that she would complete field training ahead of schedule. The hiring process for the open communication position was moving forward and 80 applications had been received. He stated that of these applications 22 would move forward to the interview phase. These interviews are scheduled for January 14th and 15th. After the interviews a list would be brought forward to the Commission for certification. Chief Hatten asked for approval to move forward with the interview process. A motion was made by Steve Sherman, seconded by Julie Jensen, to proceed with the interviews as scheduled. Motion carried.


Chief Hatten then updated the Commission with regard to the status of the peace officers. He stated that Alicia Nortrom, Tyler Duenow and Mark Hanneman began as full-time officers on January 3rd. He stated that Alicia Nortrom was currently in the orientation phase, Tyler Duenow was moved from part-time to full-time and placed in the patrol schedule. He stated Mark Hanneman would remain working in communications until such time he is no longer needed to train in the new communication specialists. He added that Mark was needed not only for staffing issues but also for his skills with regard to training but would be receiving pay at the starting patrol officer rate. The last position to fill was offered to Karl Willers who has completed the medical and psychological but the department was still waiting on some background information. Chief Hatten felt that Willers would begin with the department the first part of February.

Commissioner Jensen asked if there were any items from the floor. Chief Hatten stated that he wanted to relay to the Commission that Tom Gifferson had taken on his new duties as lieutenant and that Adam Ament and Ben Erlandson had both taken on their new duties as sergeants.

Steve Sherman asked Chief Hatten about when his first term with the Commission ended. He stated that he wanted to inform the Chief that he would not be looking at serving another term due to the fact he could not commit to another three years. Chief Hatten stated that he would check with the city administrator's department to obtain the information. With there being no further business to discuss, a motion was made by Julie Jensen, seconded by Steve Sherman, to adjourn the meeting. Motion carried.

Time of adjournment was 5:53 p.m.

Next Meeting to be held on February 1, 2010 at 5:30 pm.



Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Monday, February 1, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Steve Sherman and Chief Dan Hatten.

The meeting was called to order by Chairperson Jelkin at 5:32 p.m.

Chairperson Jelkin asked if there were any changes to the minutes from the January 5th meeting. Commissioner Jensen pointed out some spelling and grammatical corrections to be made. A motion was made by Steve Sherman, seconded by Julie Jensen, to approve the minutes from the January meeting with the changes discussed. Motion carried.

Chairman Jelkin then suggested tabling the next two agenda items, the election of officers and the schedule, to later in the meeting. He then asked Chief Hatten to update the Commission with the progress regarding the communication specialists. Chief Hatten stated that a list of four names had been forwarded to him from Sgt. Nagel. Hatten presented the commissioners with a summary of each individual contained on the list. He requested approval of the names for the eligibility roster and suggested that due to the fact there were only four candidates that they all be interviewed. A motion was made by Julie Jensen, seconded by Steve Sherman, to accept the names for the eligibility roster and to interview the entire list. Motion carried. Chief Hatten inquired as to which commissioner would be participating in the final interview panel. Commissioner Jensen stated that she would be the representative on the panel.

Chief Hatten then updated the Commission with regard to the status of the licensed officers. He stated that as of yesterday the department was fully staffed in this area. Alicia Nortrom has completed the orientation phase and has now begun field training. He stated that Karl Willers start date was January 31st and that he had begun the orientation phase. Hatten informed the Commission that Mark Hanneman was still working in communications but should be released from that area to begin his field training in the near future.

The Commission then returned to the agenda item regarding the election of officers. Chairperson Jelkin opened the nominations for chairperson. Commissioner Jensen nominated Mark Jelkin for the position of chair. With there being no more nominations for this position it was closed. The motion to elect Mark Jelkin was seconded by Steve Sherman and carried. Chairperson Jelkin then opened the nominations for secretary. Commissioner Sherman nominated Julie Jensen for the position of secretary. With there being no more nominations for this position it was closed. The motion to elect Julie Jensen was seconded by Mark Jelkin and carried. A motion was then made by Mark Jelkin, seconded by Steve Sherman, to delegate the documentation of the meetings to Chief Hatten and Administrative Assistant Lisa Grina. Motion carried.

The Commission then directed their attention to the meeting schedule. After some discussion a motion was made by Mark Jelkin, seconded by Julie Jensen, to hold the police commission meetings on the third Tuesday of every month at 5:30 p.m. Motion carried. It was stated that any deviation from this schedule would be announced in accordance to state statute.

A discussion was held as to when the next meeting would be held. A motion was made by Steve Sherman, seconded by Mark Jelkin, to accept the decision made by Commissioner Jensen as final approval for the communication specialist position upon completion of the interviews. Motion carried. With this decision it was determined that it would not be necessary to conduct a meeting on February 16th.

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Chairperson Jelkin asked if there were any items from the floor. Chief Hatten stated he wished to explore the option of hiring the next individual on the peace officer eligibility roster as a part-time officer with a full-time license. If the Commission was in agreement with this he would then contact city administration to see if he could proceed. A motion was made by Steve Sherman, seconded by Julie Jensen, to explore the option of hiring a part-time officer. Motion carried.

With there being no further business to discuss, a motion was made by Mark Jelkin, seconded by Julie Jensen, to adjourn the meeting. Motion carried.

Time of adjournment was 6:13 p.m.

Next Meeting to be held on March 16, 2010 at 5:30 pm.



Handwritten signature of Julie M. Jensen, written in cursive and underlined.

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, March 16, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Steve Sherman and Chief Dan Hatten.

The meeting was called to order by Chairperson Jelkin at 5:29 p.m.

Chairperson Jelkin asked if there were any changes to the minutes from the February 1st meeting. With there being none a motion was made by Steve Sherman, seconded by Julie Jensen, to approve the minutes from the February meeting. Motion carried.

Chief Hatten then updated the Commission with regard to the communications section. He said that both Shannon Schermann and Traci King had completed field training and working on their own. He stated that both were doing an excellent job. Chief Hatten then proceeded to inform the Commission that Katie Kuhnau and Kristine Gerdes had been given conditional offers of employment for full-time and part-time positions respectfully. He said that the department was waiting on the results from the medical, physical and psychological examinations. Once these results are obtained he would be able to move forward with a final offer. Commissioner Jensen stated that it had been a unanimous decision by the final interview panel to which she had participated.

Chief Hatten then updated the Commission with regard to the new peace officers. He stated that all four officers were currently in field training and proceeding through the program. Hatten said that the two officers that were promoted to sergeant were adjusting to their new roles. Another update with regard to officers is the new assignments. Hatten stated that internal interviews had been administered to the officers that had applied for open field training officer positions as well as the Southwest Metro Drug Task Force agent. He stated that Officers Mathwig and Sayre had been assigned as field training officers and that Officer Andy Erlandson had been assigned to the task force. He added that the task force position is a three year assignment. Commissioner Jensen inquired of Chief Hatten what the incentive was for officers in applying for such assignments. Hatten stated that with the task force position it is a desire to work drug cases and with field training it is the willingness to instruct new officers and the desire to have quality officers once the process is completed. Hatten stated that the department was currently in the process for assignment to the Special Response Team and that information should be available at the next meeting. The last item with regard to officers is that Sgt. Doug Johnson had requested a military leave of absence. Hatten stated that Sgt. Johnson had received a letter stating that he was being deployed to Kuwait on July 16, 2010 for 11 months. It was asked if there were any other officers that could be deployed to which Hatten stated Officer Jason Pederson who is in the Marine reserve. Chairperson Jelkin inquired if temporally back filling the supervisory position was being considered for developmental purposes. Chief Hatten stated that he was not considering this due to the fact it is standard procedure that if there is no supervisor on duty the senior officer on duty is in charge.

The next item on the agenda was the review of the Rules and Regulations. Each commissioner agreed that there were no need for any major changes however, there were a few changes suggested with regard to verbiage. After a brief discussion a motion was made by Julie Jensen, seconded by Steve Sherman to adopt the Rules and Regulations with the appropriate changes as discussed. Motion carried.

Chairperson Jelkin asked if there were any items from the floor. Commissioner Jensen inquired about the new "child friendly" room. Chief Hatten stated that it was getting a lot of use and that Officer Hammond had done some more research and planned on making a few changes to the area. He also stated that a grant had been applied for that would enable the department to upgrade the electronic technology used to record the interviews performed in this area. Commissioner Jensen asked if there

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was any progress with regard to finding an individual to replace Commissioner Sherman once his term was complete. Chief Hatten stated that Mayor Cook had brought forward a name to him and that he felt this individual would accept once approved by the city council.

The Commission wanted to go on record how much they appreciated the efforts given in the planning and preparation for the swearing-in and promotional ceremony held at the Event Center. They also wanted to acknowledge the time and effort put forth by members of the department in the hiring process as well as the promotional process. The Commission stated they were aware of the many sacrifices department personnel had to make during the last nine months and did not want it to go unrecognized.

With there being no further business to discuss, a motion was made by Mark Jelkin, seconded by Julie Jensen, to adjourn the meeting. Motion carried.

Time of adjournment was 6:26 p.m.

Next Meeting to be held on April 20, 2010 at 5:30 pm.



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The Hutchinson Police Commission held a meeting on Tuesday, April 20, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Steve Sherman and Chief Dan Hatten.

The meeting was called to order by Chairperson Jelkin at 5:31 p.m.

Chairperson Jelkin asked if there were any changes to the minutes from the March 16th meeting. With there being none a motion was made by Julie Jensen, seconded by Steve Sherman, to approve the minutes from the March meeting. Motion carried.

Chief Hatten then updated the Commission with regard to the communications section. He said that Monday was the first day for both Katie Kuhnau and Kristine Gerdes, the new full and part-time dispatchers. They are in the orientation phase at this point in time and then will begin the field training. He stated that although Ms. Gerdes was part-time she would be able to participate in the field training on a full-time basis.

Chief Hatten then updated the Commission with regard to the new peace officers. He stated that Officer Alicia Nortrom had completed field training and was now on her own. Officer Karl Willers was toward the end of field training and would be in evaluations next week. Officer Mark Hanneman is in field training which is scheduled to be completed by the end May. Chief Hatten then stated that the part-time position had been offered to Daniel Johnson and the department was currently in the background process for this position. It was asked where Officer Duenow was at to which Hatten replied that he did not have to go through field training again and that he has been on his own. It was also asked how the new officers were fitting in with the department staff. Chief Hatten stated that he felt they were all interacting well with the other employees.

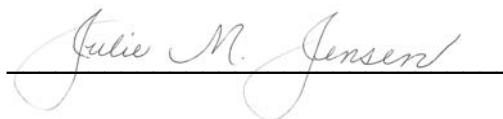
The next item on the agenda was the review of the Police Chief Hiring Process. Discussion was held regarding the steps in this process. It was determined that the changes would be made as agreed upon and presented at the next meeting for approval.

Chairperson Jelkin asked if there were any items from the floor. Chief Hatten stated that he had spoken with Mayor Cook with regard to appointing a new commissioner to replace Commissioner Sherman. He was advised that Mayor Cook planned on presenting the recommendation to City Council at the first meeting in May. He also advised the Commission that nine applicants had been interviewed for the summer park patrol positions. He stated that three individuals would be hired with a possible fourth position is approved. It was asked how many hours each individual would work to which Hatten replied approximately 30.

With there being no further business to discuss, a motion was made by Steve Sherman, seconded by Julie Jensen, to adjourn the meeting. Motion carried.

Time of adjournment was 6:06 p.m.

Next Meeting to be held on May 18, 2010 at 5:30 pm.



Handwritten signature of Julie M. Jensen, underlined.

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, May 18, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Steve Sherman and Chief Dan Hatten.

The meeting was called to order by Chairperson Jelkin at 5:30 p.m.

Chairperson Jelkin asked if there were any changes to the minutes from the April 20th meeting. With there being none a motion was made by Julie Jensen, seconded by Steve Sherman, to approve the minutes from the April meeting. Motion carried.

The next item on the agenda was the new commissioner. Chief Hatten stated that City Administrator Gary Plotz had put forth a name to the City Council who accepted the recommendation. Hatten stated that the new commissioner name is Verne Meyer. Mr. Meyer was unable to attend this meeting however it is planned that he will be sworn in at the station meeting that is being held on May 24th at 4:30 p.m.

Chief Hatten then updated the Commission with regard to the communication specialists. He stated that each was progressing through the field training program and would be on their own by the end of June. Chief Hatten added that the department was currently down one full-time communication specialist due to the fact that Kris Lindell had been granted a leave to pursue her peace officer license and attend the skills training.

Chief Hatten then updated the Commission with regard to the new peace officers. He stated that Officer Mark Hanneman was the only officer currently in field training. He stated that he was in the last week of the program which is evaluations. Chief Hatten then stated that he had previously requested to hire an individual in a part-time capacity from the eligibility roster and had given a conditional offer to the individual. He stated that during the background of this individual it was discovered that the misdemeanor conviction that had been disclosed had an original offense that was more egregious and he therefore withdrew the conditional offer. It was asked if Chief Hatten planned on selecting another individual off the list to which he replied that the only other person on the list was not interested in a part-time position. It was then asked if he planned on posting for the position to which the Chief responded he would not be posting the position.

The Police Chief Hiring Process was added to the agenda. Each of the Commissioners had received the version of this process that had been updated in accordance to the discussion at the April meeting. A motion was made by Julie Jensen, seconded by Steve Sherman, to approve the revised Police Chief Hiring Process. Motion carried.

Chairperson Jelkin asked if there were any items from the floor. Chief Hatten stated that he would like to invite the Commissioners to the swearing in ceremony for the new communications specialist that was being held on May 24th at 4:00 p.m. at the Emergency Operations Center. Chief Hatten also wanted to thank Commissioner Sherman for his service to the City of Hutchinson by being a part of the police commission. Chairperson Jelkin and Commissioner Jensen also expressed their appreciation to Commissioner Sherman.

With there being no further business to discuss, a motion was made by Steve Sherman, seconded by Julie Jensen, to adjourn the meeting. Motion carried.

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Time of adjournment was 5:55 p.m.

Next Meeting to be held on July 20, 2010 at 5:30 pm.



Hutchinson Police Commission Minutes

The Hutchinson Police Commission meeting scheduled for Tuesday, June 15th, 2010 was cancelled.

Next Meeting to be held on July 27, 2010 at 5:30 pm.

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, July 27, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Verne Meyer and Chief Dan Hatten.

The meeting was called to order by Chairperson Jelkin at 5:29 p.m.

Chairperson Jelkin asked if there were any changes to the minutes from the May meeting. With there being none a motion was made by Julie Jensen, seconded by Mark Jelkin, to approve the minutes from the May meeting. Motion carried.

The next item on the agenda was the welcoming of the new commissioner. Verne Meyer was officially welcomed by Chairperson Jelkin, and Commissioner Jensen. Chief Hatten confirmed with Verne Meyer that he had received his police commission binder.

Chief Hatten then updated the Commission on the 2011 budget shortfall which would result in a number of city wide employee reductions. These employee reductions would impact the Police Department but the specific number had not been determined at this point. Chief Hatten stated he would update the Commission members by e-mail when the number of reductions by the Police Department became available.

Chief Hatten then updated the Commission with regard to the communication specialists. He stated that all were out of training and were progressing on their own without any concerns. Chief Hatten added that Kris Lindell has returned from her leave of absence and is back at work full-time.

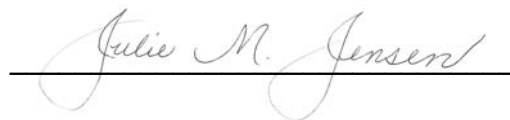
Chief Hatten then updated the Commission with regard to the new peace officers. He indicated that all were progressing nicely.

Chairperson Jelkin asked if there were any items from the floor. Chief Hatten provided the Commission with the list of picnics scheduled on Tuesday August 3rd for Nation Night Out.

With there being no further business to discuss, a motion was made by Julie Jensen, seconded by Verne Meyer, to adjourn the meeting. Motion carried.

Time of adjournment was 5:50 p.m.

Next Meeting to be held on August 17, 2010 at 5:30 pm.


A handwritten signature in cursive script, reading "Julie M. Jensen", is positioned above a solid horizontal line.

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, August 17, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Verne Meyer and Chief Dan Hatten. Others present were Marc Sebor, City Attorney, and Brenda Ewing, Human Resources Director.

The meeting was called to order by Chairperson Jelkin at 5:29 p.m.

Chairperson Jelkin addressed changes to the meeting agenda. Jelkin indicated that the additions include a presentation by the City Attorney, a change in the designation of the official minute taker, and that this meeting is not considered a public hearing. Motion by Commissioner Jensen, second by Commissioner Meyer to change the agenda as proposed. The motion passed unanimously.

Jelkin made a motion, seconded by Jensen, to designate Brenda Ewing as the official minute taker. The motion passed unanimously.

Chairperson Jelkin asked the Commission to approve the previous meeting's minutes. Motion was made by Julie Jensen, seconded by Verne Meyer, to approve the minutes from the July meeting. Motion carried unanimously.

City Attorney Marc Sebor addressed the Commission. Attorney Sebor noted the following:

- For 2011, the City of Hutchinson is facing a \$1.45 million budget deficit.
- City departments have been directed to reduce staff, and two full time positions are to be reduced in the Police Services Department.
- Per the City Charter, the City Council controls the creation and reduction/ abolition of all City positions.
- The Police Civil Service Commission does not control whether layoffs happen in the Police Department, but maintain slight oversight of layoff process.
Chair Jelkin asked if costs can be cut in other non-staff areas. Mr. Sebor responded that the Council has determined it is necessary to reduce staff to achieve the necessary budget reductions.
- Commission responsibilities include hiring, discharge, demotion, and discipline. Layoffs are not included on this list.
- Section 21 of the Police Civil Service Rules addresses layoffs. The 2-week notice to the Commission is prior to the layoff action scheduled for no later than October 31, 2010. The Commission is required to provide the layoff list to the City Council. Mr. Sebor reviewed the language that provides the right to return to a lower position or "bumping", however, this does not apply to the positions noted for reduction. The Commission has some discretion to review service records, but only if there is more than one employee in the position. This applies to Community Services Officer position, but not the position of Administrative Secretary. The Commission is not in a position to approve the Chief's recommendation or decision, but only to accept or not accept it.
- Section 27 of the rules is regarding reinstatement after layoff. A one year period is the maximum time frame for this action. The Commission was informed that the City Council would have to recreate the positions identified for elimination for this to occur.

Commissioner Meyer noted that he is new to the Commission and had a question about the rules and State Statutes addressing Civil Service Commissions. Mr. Meyer asked Mr. Sebora what basis he used to make the interpretations he did regarding the Civil Service rules. Attorney Sebora noted his professional opinion, previous case law, and other City layoff processes. Mr. Sebora provided an example of the rules. If the Commission did have the control to decide layoff actions, it would usurp the power of the City Council to reduce positions/staff. The Council creates and eliminates positions; the Commission addresses most all other employment matters in between. Mr. Jelkin stated he has no debate with the Council controlling number of positions, and he is waiting to hear the reasons for the proposed reductions. Also, he noted that the City has not used this section (21) of the rules for 12 years, and there has not been subject to rigorous review or interpretation of the rules since that time.

- Mr. Sebora also noted the language in the rules that gives discretion to the Chief to identify positions for elimination. Mr. Jelkin stated that he believes the Commission is in place in part to review the layoff process. Commissioner Jensen asked some questions about the process (steps 21A, B, C & D, the 2-week notice and the identification of the positions for layoff) and which apply to this process. Mr. Sebora noted that nothing in Section. 21 gives the Commission the right to decide the list. Mr. Jelkin stated that he does not think the Commission can act on items 21b, c & d, or pass any judgment until they hear the reasons from the chief to support the layoff actions. Mr. Meyer questioned if the Commission's role at this time is to only make sure the proper process is being followed, and not to determine other items related to the layoffs.

Commissioner Jelkin recognized Todd Grina from the audience. Mr. Grina questioned the language in the rule that gives the Commission the complete control over the hiring process, and questioned if this also means layoffs. Mr. Sebora noted his previous comments regarding the Council having control over the creation and abolition of positions.

Mr. Meyer inquired if hypothetically the Chief errs in designating the positions for layoff, where in the layoff process is that addressed. Mr. Sebora advised the Commission can list any concerns in their correspondence to the Council regarding the layoff list. Mr. Meyer questioned if it is the better forum for the affected employees to voice their concerns at a City Council meeting.

- Mr. Sebora noted that the Civil Service Commission meeting ensures the layoff process is discussed in a public forum.

Chief Hatten presented written notice to the Commission regarding the necessity for Police Services to reduce staff by two (2) full time positions, the identification of those positions, and the reasons supporting the decisions. Chief Hatten spoke to the reduction of one of the two existing CSO position. He noted lack of funds available, the need to maintain the custodial and animal control nature of the positions, the requirement for a boiler's license, and the overall affect of the reduction of the position on public safety services provided by the department as reasons for his decision. The employee to be affected by the layoff is Robert Winslow. The reasons expressed for the elimination of the Administrative Secretary position includes lack of funds, duties in position no longer being valid, duties can be assumed by other positions, and the impact to the delivery of overall public safety services. Lisa Grina is the employee affected by this layoff recommendation. These employees have been notified of the proposed layoff action to be effective no later than October 31, 2010.

Chair Jelkin opened up the discussion to the Commissioners for questions. Mr. Meyer asked about the CSO positions and if each individual in the position has different duties on

a daily basis. Chief Hatten answered that the positions, within the current list of duties shared, do focus on different tasks. Commissioner Jensen noted the boiler's license is a major requirement of the position. Chief Hatten noted that without an employee with a license, those services would have to be purchased or outsourced by the department.

Chair Jelkin moved to accept Chief Hatten's written recommendation for the type and number of positions to be eliminated. Mr. Meyer asked to clarify the motion and that this means the reduction of the Administrative Secretary position and one CSO position as noted in the Chief's correspondence and recommendation. Mr. Jelkin responded that is a correct clarification. Mr. Meyer inquired if the employee in the position of Administrative Secretary is qualified to perform the duties of the Records position and vice versa. The Chief stated they may both be qualified, but the positions and the position descriptions are different. Mr. Meyer commented if it would not serve the purpose better to have someone who can do both jobs.

Chair Jelkin recognized Lisa Grina. She stated that Chief Hatten provided the Commission with the City position descriptions and not the descriptions included in the police manual/general orders (G170 and G171). Commissioner Jelkin asked why they would be different. Chief Hatten noted that the City description is the official City document and that is what is used when a position opening is advertised.

Ms. Jensen asked which gaps in the duties vacated by the elimination of the Administrative Secretary position the records staff could absorb, and which they could not, due to qualifications. Chief Hatten noted there will be a learning curve for employees assuming duties. Not all duties are to be reassigned to the records personnel. Some will go to him as Chief, and to other staff. Ms. Jensen also asked Chief Hatten what the impact of the reduction of either the Administrative Secretary position or the reduction of one Records staff has would have on the department. The Chief noted the reduction of the Secretary position would have the least affect on the public safety service. Commissioner Jensen inquired as to the impact on the delivery of service the reduction of one Records employee will have.

Commissioner Meyer asked about the role of seniority specific to the positions identified for layoff. Chief Hatten answered that it is not an issue for the Administrative Secretary position because there is only one person in the position. Mr. Meyer also asked about service record impact on the decisions. Ms. Jensen questioned the ability of the Records personnel to take on the duties of the Administrative Secretary. The Chief said they will not be taking on all of the duties. Chair Jelkin asked if duties on the description are listed in order of importance. Chief Hatten indicated, not necessarily. Mr. Meyer asked if attitude, performance, attendance, and continuing education, of staff have been considered in this matter. Mr. Jelkin again asked the Commission to address the recommendation of the Chief for the proposed layoffs. Chief Hatten noted that all positions were reviewed to determine the impact on the department if abolished. Those with the least negative impact were then further reviewed. Those with the least impact on ability to provide public safety service to the community were identified for layoff. For those positions with only one incumbent, there was not a necessity to look at service record. Mr. Meyer stated he believes that one of the Records personnel will have to take on the duties or flow into the position of Administrative Secretary. Mr. Hatten, as noted in a previous response, indicated that not all of the administrative duties will be assumed by the Records employees. There will be a new structure in the Police Department to address those duties.

Commissioner Jensen asked if the proposed reductions will allow the department to continue to meet the mission of the department, and if either position has greater effect on that ability. Chief Hatten stated that he believes the elimination of the Records position is more detrimental. Ms. Jensen asked Chair Jelkin if the Commission needs to act on whether Chief Hatten has met the requirements of section 21A of the rules. Mr. Jelkin said if the Commission believes he has, it is their job to accept the proposal. Ms. Jensen stated she was not ready to second a motion to that effect until audience members have an opportunity to speak. Mr. Meyer noted the Commission has no responsibility as to who is selected for reduction/layoff. He wants the Commission's ability to include opinion in the letter to the Council to be included in Mr. Jelkin's motion. Chair Jelkin believes the major question before the Commission at this time is to determine whether or not the Administrative Secretary and the Records positions are different.

Chair Jelkin moved to table his motion to entertain comments from the floor. All members agreed.

Lisa Grina again addressed the Commission. She asked a question to clarify if Chair Jelkin's motion is accepted and approved, is it accepted from the Chief only, or does it also mean that the specific recommendation moves on to the Council? Ms. Grina was informed that if it is accepted by the Commission, it is then forwarded on to the City Council. Ms. Grina questioned the difference of impact between the Records and Administrative Secretary positions. She stated she thinks that if a Records position is eliminated, the duties of that position would fall only to the remaining Records employee and the Administrative Secretary where in comparison the Secretary duties would fall to many other staff. She spoke about the positions actually being very similar, with the only difference to whom each reports, and asked that the duties be compared from an updated description – not the official City descriptions. She mentioned redundancy of the records positions. She believes that the Administrative Secretary position should be maintained.

Ms. Jensen clarified that if the Commission approves the Chief's recommendation, the position of Administrative Secretary is eliminated. Chair Jelkin noted that there are similarities and differences between the two positions.

Bob Winslow, CSO, addressed the Commission. He noted his position is the one that is proposed to be eliminated. He noted that the duties of the two CSO positions are vastly different. He claims that the elimination of his position will have a more significant affect than that of his counterpart. He believes the requirement of the boiler's license is the main issue. He has held a license in the past and has not been given the option by the department to obtain one. He presented the official City job description for the review of the Commission. He states it is vastly different from the actual duties. He will not discuss service records, but he will put his record up for review, if requested. Mr. Winslow spoke to his duties related to the police storage facility and presented the general orders description of CSO to the Commission. Mr. Winslow was originally hired as a Security Guard, and when that position was eliminated, he was offered the CSO position. He talked about duties that assist the police officers such as booking, transporting prisoners, and mental health transports. Mr. Winslow feels that what he does impacts the department and the police officers. He mentioned seniority and asked if it outweighs performance.

Todd Grina was recognized by Chair Jelkin. He stated he does not believe there are significant differences in the Administrative Secretary and Records positions. He indicated that previous duties of the Administrative Secretary have, in the past, been transferred to the Records positions.

Jason Mathwig, Police Officer, acknowledged the role of the Commission and asked the Commission to be the check/balance for the department. He encouraged them to meet privately with the Chief to make sure they are moving in the right direction and doing what is best for the department and community. He noted he is not speaking on behalf of any individual department employee.

Police Officer Jason Pederson spoke to Mr. Winslow's duties and the assistance it gives the officers. He assists with prisoners and officer safety and allows them to have the time to do their duties. Chair Jelkin asked Officer Pederson if he is speaking to the loss of the position or specifically about Mr. Winslow. Mr. Pederson stated he believes the CSO positions are different. Brian Beffert, Part Time Police Officer, stated his opinion that Mr. Winslow provides duties that will be missed by the City if a layoff occurs. The other CSO position that holds the boilers license and does custodial work can be missed. Mr. Beffert noted that the officers feel Mr. Winslow is valuable and that is why staff attended the meeting to support him and speak on his behalf.

Kris Lindel, Emergency Dispatcher, noted that Lisa Grina can take over/relieve in dispatch and that only one of the Records personnel is able to do this.

Police Officer Ryan Sayre spoke on behalf of both co-workers, Ms. Grina and Mr. Winslow. He feels the Police Department is a family. He has worked with both for five years and stated they are both valuable employees.

Commissioner Jensen noted the discrepancies between the written description and the general orders is causing her concern and are troublesome. Chief Hatten noted that all descriptions/orders and what employees actually do were taken into account while contemplating his decision. He admits that losing two full time positions in the department is going to be extremely difficult as will be the subsequent transition. Ms. Jensen stated her frustration due to her miniscule option in this process, determining whether or not the Chief met the requirements of Section 21A of the Civil Service Rules. Mr. Seboria again confirmed the Commission's role in the layoff process – ensuring an open process, proper notification to the Commission, and identification of positions and reasons for reduction. Mr. Seboria noted the difficulty in making a recommendation to reduce an employee's position. The Chief has made this decision and ultimately must live with the decision if approved by the Council. Mr. Seboria reminded the Commission that the proposed layoff is slated for no later than October 31, 2010. Officer Beffert and Mr. Jelkin questioned if a decision has to be made today and if the City Attorney's interpretation is accurate regarding the rules. Chair Jelkin stated that the Council does decide number of positions and the requirement to reduce two positions, and this is not within the scope of authority of the Commission.

Commissioner Meyer spoke again to the mission of the Commission's charter – absolute oversight over departmental employment versus slight control over the layoff process.

Chair Jelkin reopened the discussion regarding the Commission action to accept the Chief's recommendation. The Commission spoke of setting a closed session to discuss this matter and to formulate their letter to the Council. Attorney Seboria spoke to the open meeting requirements and that the Commission may not hold a closed meeting for that purpose. Mr. Jelkin asked if the drafting of the letter could be closed. Mr. Seboria noted that open meeting law would not allow this, either.

Chair Jelkin stated he would like some time to review the material provided, reconvene at a later date, and have each Commission member bring draft ideas for the letter to the Council.

Mr. Jelkin noted there was no second to his previous motion. Chief Hatten asked if Commission was accepting his recommendation as the Commission is not in a position to draft a letter if they have not.

Motion by Chair Jelkin to acknowledge that the Chief has provided the written notice to the Commission regarding the layoff and provided a list of employees subject to layoff. The motion failed for lack of a second.

Commissioner Jensen moved that the Police Commission acknowledges that on August 17, 2010, Chief Hatten provided the Commission with a document that he believes is in compliance with Section 21a of the Civil Service Commission rules. Second by Chair Jelkin. The motion passed, unanimously.

Ms. Jensen asked the Commission to set a meeting date for the near future to discuss the draft of the letter to the Council. The next meeting date was set for Tuesday, August 24, 2010, at 3:30 p.m. at the Emergency Operations Center.

Bob Winslow asked the Chief to reconsider his layoff recommendation based on what truly impacts the department and the community. He added he does not want this decision to affect the position of a Police Officer.

With there being no further business to discuss, a motion was made by Commissioner Jensen, seconded by Commissioner Meyer to adjourn the meeting. The motion carried, unanimously.

Time of adjournment was 7:28 p.m.

Next Meeting to be held on, August 24, 2010, at 3:30 pm.

Julie M. Jensen, Police Commission Secretary

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, August 24, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Verne Meyer and Chief Dan Hatten. Others present were Marc Sebora, City Attorney, City Administrator Gary Plotz, and Brenda Ewing, Human Resources Director.

The meeting was called to order by Chair Mark Jelkin at 3:30 p.m.

The Commission noted that Brenda Ewing, Human Resources Director, would be the designated minute taker for the meeting.

Chairperson Jelkin asked the Commission to consider the approval of the minutes from the August 17, 2010 meeting. Commissioner Meyer noted the following required corrections:

1. Page 1, paragraph 3 – The last sentence, “Not a hearing” is not a sentence and language should be added earlier in the paragraph that Chair Jelkin indicated that the meeting of August 17, 2010, was not to be considered a hearing.
2. Page 2, paragraph 4 – Mr. Meyer noted that the minutes should be changed to correctly reflect that his inquiry regarding the Commission addressing errs by the Chief regarding the layoff process is to be noted as a hypothetical situation.

Motion was made by Julie Jensen, seconded by Verne Meyer, to approve the corrected minutes from the August 17, 2010, meeting. Motion carried unanimously.

Chair Jelkin asked if Chief Hatten had anything to add or present to the Commission under the agenda item of 2011 Budget Update Continuation. The Chief responded that he would offer his written layoff proposal previously provided at the August 17 meeting for consideration by the Commission.

Chair Jelkin iterated that the Commission has a duty to forward on to the Council the names of those employees subject to layoff, and the Commission needs to draft a letter to accomplish this. He indicated he hopes there is consensus amongst the Commission on what information is to be forwarded. Mr. Jelkin asked the other commissioners what they believe is the Commission's task for today's meeting. Mr. Meyer and Ms. Jensen agreed that it is the Commission's responsibility to draft the letter.

Chair Jelkin asked if members had questions or issues regarding this matter.

Commissioner Jensen questioned what is the level of importance of the duty of the administrative/records staff to relieve staff or be a fill in for the dispatch room. Chief Hatten responded that staffing dispatch is critical, but the frequency of filling in is limited on a daily basis. It is critical when there is an emergency situation. Ms. Jensen noted that at the last meeting Dispatcher Kris Lindell spoke and indicated that only one of the records technicians is able to work in the dispatch room. Mr. Hatten responded that one of the records persons does get called in to assist in the room. Neither is called in to run the room independently. Ms. Jensen indicated that she hoped the Chief could refute the premise that Lisa Grina is working on tasks of which the great majority are different or unique to the position she holds. The Chief answered the tasks are materially different, but there is some overlap. Mr. Meyer spoke to the job descriptions of both positions. Fundamentally, from a qualifications

standpoint, they are similar and are the same pay grade. He inquired if it would be better to consider the positions a pool of three administrative staff for layoff purposes, rather than the two separate classes. Mr. Hatten that, argumentatively you could consider this, but historically, the positions have been unique or distinctively different in description and task, along with to whom the positions report and responsibilities and authorities. Mr. Meyer asked if the authorities of the positions are significantly different. The Chief noted that outside of him, the administrative secretary is the only position that has access to the police administrative files. Mr. Meyer inquired if, because of that reason, that would be a position to be kept. Mr. Hatten replied, on the contrary, the need to maintain the records staff is more important. Mr. Meyer asked if, hypothetically, would Chief Hatten agree the positions should be in a pool of three, and, if so, should someone else be up for layoff. Mr. Hatten replied that he does not agree, and the fact is that they are not currently in the same class. He has to base his decision on the descriptions, classes, and roles currently in place. Mr. Meyer asked if, hypothetically, the three positions could be merged. Mr. Hatten stated that all members of the department help out where needed, when needed. He believes all his staff can be trained for other positions. What he has to currently do is make a decision on current staff, look at daily tasks, and determine which position has the least impact on the day to day operation of the department.

Commissioner Jensen noted it is not the Commission's role to consider the chief's judgment. The argument is that the Administrative Assistant position has overreaching duties. She asked if the other commissioners believe there are multiple possibilities in regard to what the Commission can decide to do. What option, other than moving forward the two names identified by the Chief to the Council, do they have. Commissioner Meyer stated they may review the layoff process for appropriateness and openness. Chair Jelkin indicated there is some difference of opinion on the layoff process since the Commission has not been through it for twelve years, and, how process is written in the rules, doesn't lend itself to many options or judgments. They need to determine if the process has been correctly followed. If they disagree with the names identified, they can put that in the letter to the Council.

Mr. Meyer noted that he understands the Commission's role. For the record, his opinion, based on what he has learned and the emphasis on the feedback received from department employees, is that one police records position should be eliminated and the secretary retained. The secretary has skills that are more encompassing and broader, and the position can do the records job with limited training.

Mr. Jelkin stated he tends to agree with Mr. Meyer's statement. Ms. Jensen indicated she is concerned and has questions, but is not in full agreement with other members at this time.

Mr. Jelkin urged the Commission to act to provide to the Council what is needed in writing. At the previous meeting the Commission acknowledged receipt of the written layoff recommendation from the chief and had discussion on the content of the letter.

Ms. Jensen moved that the Commission complies with Section 21B of Police Civil Service Rules by furnishing to the Council the names of the following employees for layoff: Robert Winslow, Community Services Officer, and Lisa Grina, Administrative Secretary. Ms. Jensen indicated that she took the language for her motion directly from the rules. Mr. Meyer indicated that he did not believe the motion is required. Chair Jelkin stated that the Commission should draft the letter to the Council and then act upon the completed letter. Commissioner Jensen withdrew her motion.

Mr. Jelkin offered that the Commission would write something of the like to the Council. He inquired if the Commission is in agreement with the wording he offered. Ms. Jensen argued for a minimum message to the Council, forwarding the names for layoff. What was discussed at the previous meeting, where discussion was held, is documented in detailed minutes that are available to the public. Ms. Jensen provided such prepared correspondence to the Commission for consideration. The correspondence gives no opinion, does not summarize the August 17 meeting, and only cites what the Commission needs to do per the rules of Section 21B. She added that not every issue related to this matter the Commission is considering is concern for the Council. Mr. Meyer related that the final decision lies with the Council. The Commission holds the open hearing and states opinion. Mr. Meyer wondered if a brief letter is provided, does it address the requirement for an open process. Mr. Jelkin asked if Ms. Jensen's letter speaks to openness and fairness with best judgment. The openness is per the details of the minutes. Mr. Meyer stated the Commission is shortcutting their ability to provide comment and opinion to the Council if a brief letter is provided. Mr. Jelkin asked if all the Commission members are in agreement with the titles and staff selected for layoff. Mr. Meyer iterated his thoughts on combining the three administrative positions and noted that he probably does not agree with the chief's decision. Ms. Jensen believes that the Administrative Secretary is alone in title only and that there is a pool of three, but she doesn't know all there is to know about this. Mr. Meyer asked if she would be open to providing opinion to the Council. Commissioner Jensen replied she is open to that and noted that her proposal for brief correspondence is an option the Commission can still consider.

Mr. Meyer stated he would proceed as Mr. Jelkin proposed, earlier. Chair Jelkin noted that the Commission probably doesn't need to include all details included in the minutes in the correspondence. He feels the Commission's concern is that the administrative secretary position should have been considered for layoff only if included in a full pool of three administrative positions. Mr. Meyer added he feels that would have been a reasonable approach to pool the positions and the selection made there from. The positions are substantially the same and require the same qualifications. He commented on how he may have completed the layoff process if in the role of the chief, and noted two items in the process that bothered him: 1. Notification of the Commission – This occurred after those who were directly involved or identified for layoff were notified. These types of processes are generally taken in steps to ensure complete agreement prior to employee notification. In his opinion, the communication came in reverse order. The Commission should have been notified earlier as to which positions and persons would be affected. This should be corrected for the future. Chief Hatten stated he did not disagree, but the process would require that the names of the affected positions would have to be brought to a public meeting, and that is how the employees would learn of the layoff actions. This is a reality of the open meeting process. They would not hear it from their boss, but with the rest of the general public at a public meeting. The value of the employees and their feelings is of concern to the Chief. Mr. Meyer asked if all communication of and to the Commission is public. Mr. Hatten responded that it generally is, and it is difficult to talk with any specifics with this subject and not identify specific employees.

Commissioner Jensen asked what value there is in including additional information to the Council about the process. Mr. Jelkin thinks there is value in providing opinion and information about the process, so that the Council is informed. If the process needs to be addressed, it can be.

Mr. Meyer's second issue is: 2. Community Services Officer positions - There are two employees, but the tasks completed by each are different on a regular basis. They have the same title and pay grade. Seniority and possession of a boiler's license are the reasons noted for the layoff decision. The City position description does indicate that a qualification is only to be able to obtain the licensing. Information provided at the last meeting about the employee identified for layoff by other staff was admirable. He is concerned about the decision regarding the Community Services Officer position. These are the items he would suggest be put in the correspondence to the Council.

Ms. Jensen noted that the Commission did not hear any information about and don't have knowledge about the other Community Services Officer employee. The Chief does have this knowledge. Mr. Meyer acknowledged that the other employee was not present. In lieu of that, staff was talking publicly in front of their boss about their coworker, and he believes that takes a lot of guts. Ms. Jensen concurred the comments were compelling for Mr. Winslow, but again stated she knows little about the other Community Services Officer employee.

Chair Jelkin stated there is agreement that the Commission must acknowledge that the Chief has identified the positions and names of the employees subject to layoff. He asked if there was agreement with other content to be included in the Council letter. He is disappointed that the Chief informed staff prior to receiving prior approval or giving prior notification to the Commission. He felt the layoff process was not followed in proper order because of that. He understands Ms. Jensen's point regarding staff feedback on the Community Services Officer positions.

Commissioner Jensen noted she understands the Chief has notification obligations and doesn't see where he needs the Commission's approval. Mr. Meyer and Mr. Jelkin agreed that the rules do not require Commission approval of the Chief's layoff selections. Chair Jelkin's issue is the order of communication, staff, and then commission. He asked if the Commission wants to state their opinion about the process to the Council. Ms. Jensen feels such action is not germane to the Council's process at this point. Mr. Meyer noted that Commission can't reverse the Chief's selection at this point, nor can the Council change the process. Mr. Meyer and Ms. Jensen noted that the process can be addressed at the Commission level.

Commissioner Meyer indicated he is open to accepting Ms. Jensen's proposal with an addendum including comments about the communication sequence and is the layoff process is well designed, fair, open, and, in the end, that they agree with the positions and employees selected for layoff.

Ms. Jensen is open to an addendum addressing the communications sequence, but added the Council level may not be the right place for this. She feels the Commission has been as fair as could be in their capacity with this matter. Addenda language could be a huge can of worms if this layoff process has to be faced again, and she doesn't know that opinions are useful at this time.

Mr. Meyer provided information to the Commission as to what he would deem appropriate as addendum language. He questioned if the records staff are able to do all tasks of the administrative secretary position. The Chief responded that he believes all staff are talented and could be trained to do all duties of each position.

Ms. Jensen offered another option to allow the individual commission members ,on their own behalf, be allowed to each attach an addendum. Attorney Seborá commented that it would be nice if the Commission agreed to provide joint correspondence, but this option technically meets the communication requirement to the Council. Ms. Jensen questioned if the Commission can agree on joint addendum language. Mr. Jelkin asked Mr. Meyer if he would agreeable to providing separate addendum. He indicated he is.

Mr. Jelkin asked if a brief statement similar to the one supplied by Ms. Jensen that also includes language about the specific requirements of Section 21 of the Police Civil Service Rules could be included. Ms. Jensen indicated this is agreeable to her. Her understanding is that the addenda are the commissioners' personal statements/opinions, and not those of the full Commission. Mr. Seborá noted that the joint correspondence can have language added to note the addenda, and that they are personal opinions that reflect only the opinions of the individual commissioners, not the collective body of the Commission.

Mr. Jelkin reviewed possible language of the correspondence to the Council with the other Commission members.

Mr. Meyer asked Ms. Jensen if she disagreed with the other commissioners' concerns. She indicated she has issues regarding the process and does agree with aspects of the concerns noted, but, again, this is not for the Council correspondence, but work the Commission needs to do after this current process.

Mr. Jelkin read the proposed draft of letter to the Council from the Commission. Mr. Meyer will revise his addendum and provide it to Chair Jelkin in the near future for inclusion with the letter to the Council.

Chair Jelkin asked if the Commission needs to review the addendum prior to its inclusion in the letter. Mr. Seborá stated this is not required. He advised the Commission should probably include in their letter what they do agree upon.

Ms. Jensen asked the other commissioners if a short paragraph addressing the major issues noted, including, treatment of layoffs in the rules; communication sequence; job description/job titles issues; would suffice and would result in no addenda needed. Mr. Jelkin indicated his agreement, but Mr. Meyer has additional issues about the job descriptions and the layoff selections he would choose to include. The Commission determined they are not in agreement with providing a letter with no addenda.

Mr. Jelkin recommended that the Commission act on the letter with language they do agree upon, and Commissioners may attach addenda of their choosing. Mr. Seborá noted there has to be some official action on the layoff notification to the Council. Mr. Jelkin read the proposed language for the letter, as follows:

From the Hutchinson Police Civil Service Commission,

Attn: Hutchinson City Council

The Hutchinson Police Civil Service Commission is fulfilling our requirement to provide in writing the names of the employees to be laid off, and order of layoff per Section 21 B of the Police Civil Service Commission Rules and Regulations. The Hutchinson Police Commission acknowledges that the Chief

of Police has identified the following positions per Section 21 A, of the Hutchinson Police Civil Service Commission Rules and Regulations.

We hereby furnish the names of the employees to be laid off:

***Robert Winslow, Community Services Officer
Lisa Grina, Administrative Secretary***

Also included are addenda that reflect opinions of the individual commissioners.

Mr. Jelkin moved to accept this letter to be sent to Council. Second by Ms. Jensen. There was no other discussion, and the motion passed unanimously.

The letter will be prepared by City Administrative staff and provided to the Commission members for signature.

Mr. Jelkin asked if the Commission addenda need to be part of the meeting minutes. Mr. Seboria indicated, no, but they will be part of the public record of the City Council.

Chair Jelkin made comments to recognize the difficulty of the layoff process for all involved. He appreciates the participation of all department staff, and that speaks to the quality of the Police Services team.

Mr. Jelkin called for any new items for presentation to the Commission. There were none.

He asked for any comments from the floor, and recognized Lisa Grina. She spoke to Section 21A of the Civil Service Rules. The rules require the Chief only to give position titles, not the specific name, of the employees subject to layoff. She noted Section 21D indicates review of service records by the Commission. She asked if the Commission had reviewed any employee service records related to the layoff. Mr. Jelkin indicated he did not. Ms. Grina stated she understood this provision does not apply to her position, but the Community Services Officer position. Mr. Jelkin added the decision was based on seniority and no service record information was offered for consideration by the Commission.

Mr. Meyer spoke to his understanding of the rules that do not give the Commission the authority to determine the employee(s) to be laid off.

Sgt. Nagel spoke about the difficulty of the layoff process for the Commission and all involved. The outpouring of support from employees exhibited at the August 17 meeting was not unique to the two individual employees involved. This would happen regardless of which employees would have been selected. He also noted he appreciated the communication from the Chief to all staff about the layoffs. Morale was not affected and employees were able to continue to concentrate on their work.

The Commission set the next meeting date for September 21, 2010, at 5:30 p.m. at the Hutchinson Emergency Operations Center.

Motion by Mr. Meyer, second by Ms. Jensen to adjourn. The motion passed unanimously and the meeting adjourned at 5:03 p.m.

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Monday, September 27, 2010, at the Hutchinson Emergency Operation Center. Present at the meeting were, Mark Jelkin, Julie Jensen, Verne Meyer and Chief Dan Hatten. Others present were Scott Lepak, City Legal Counsel, City Administrator Gary Plotz, and Brenda Ewing, Human Resources Director.

The meeting was called to order by Chair Mark Jelkin at 5:30 p.m.

Chair Jelkin reviewed the agenda items that include approval of August 24, 2010, Commission meeting minutes and the following items:

1. Review and recommendation regarding Community Services Officer (CSO) layoff actions: Commissioners to have reviewed each CSO performance records prior to meeting.

Pending performance records seek to approve/disapprove layoff by years of service

2. Legal review of: Define the term "position" within the rules. Is this understanding that position equals job title and job description? Address the term "grade" in the City Police Civil Service rules, meaning positions with the same compensation or pay grade.
3. Review the position of Administrative Secretary: Commissioners to have reviewed City of Hutchinson pay grades & job titles prior to meeting.

Action: Approve / disapprove this is one unique position

4. Legal expert discussion with commission regarding:
Advise the Commission on their role in the City layoff process in the determination of position(s) to be identified for layoff (Section 2A and, subsequently, Section 21 in the Civil Service rules). Clarification of the Commission's role in a "discharge" versus a "layoff" needs to be addressed.

Legal advise regarding bumping" / "no bumping" rights for the position of Administrative Secretary as the employee has not held a different or lesser graded position within the Police Department

Chair Jelkin asked Chief Hatten, City Administrator Plotz, and the Commissioners if there were any additional agenda items. No additional items were added.

The Commission discussed the draft of the minutes from the August 24, 2010 meeting. Mr. Meyer indicated that he has received, nor reviewed them. Chief Hatten reported the minutes were e-mailed to the Commissioners shortly after the meeting. Commissioner Jensen will provide Brenda Ewing, minute taker, with the suggested corrections to the minutes. Approval of the minutes will be tabled until the next meeting.

Chair Jelkin spoke to the matter of the layoff recommendation being sent back to the Commission by the Hutchinson City Council so that the Commission could review the

Community Services Officers' service records and to review Chief Hatten's recommendation to lay off one employee based on seniority or years of service. The Commissioners noted they did individually review the service records with City Human Resources Director Brenda Ewing prior to the meeting. No specific discussion of the records or employee performance was conducted, as required, at the public meeting.

Chair Jelkin asked for comments regarding this matter from the Commissioners. Mr. Meyer concluded that, based on performance records, both employees may be considered a better candidate. Upon reviewing the records, he found nothing to dispute the Chief's decision on the layoff selection for CSO. Ms. Jensen noted she agrees with Mr. Meyer's statements. Mr. Jelkin also noted he reviewed the records and both CSO employees are performing well. He concluded that the Chief's recommendation for layoff, based on seniority is appropriate.

Commissioner Julie Jensen moved to uphold the Chief's recommendation for the Community Service Officer layoff based on years of service. Commissioner Verne Meyer seconded the motion. There was no additional discussion, and the motion passed with a unanimous vote of the Commission.

The meeting discussion then moved on to the proposed elimination of the position of Administrative Secretary. Chair Jelkin recognized Attorney Scott Lepak of the firm Barna, Guzy & Steffen, Ltd., legal counsel for the City, and requested assistance for the Commission regarding the definition of position within the City of Hutchinson Police Civil Service rules.

Mr. Lepak introduced himself to the Commission and related information about his background. He indicated he serves as the City Attorney to the cities of St. Francis and Becker and works with a private firm that represents about twenty public entities on labor issues. He noted he was present in an advisory role to the Commission.

Attorney Lepak reviewed with the Commission the definition of the term "position" as defined in the Hutchinson Police Civil Service Commission rules. He spoke to a definition of "position" from the working arena meaning a distinct classification that exists separate from other positions or classifications within the City or organization. Mr. Lepak noted that he contacted the City of Hutchinson Human Resources department to learn how the City reports positions for pay equity and for hiring. Several positions have the same grade, but the positions are separate.

Chair Jelkin asked if Mr. Lepak had any comments on the law and how it relates to the City positions. Does position mean classification, but a grade level may have several jobs or classifications? Mr. Lepak noted that as long as there is a separate description and noted separately in terms of pay equity, the position is separate.

Mr. Meyer noted he has a background in human resources and previously served as a private sector Human Resources Manager. He offered an example from the private sector where a company has 10 office administrative employees. The manager therefore has a pool of 10 individuals to draw from to provide the proper talent to the various departments within the organization.

Mr. Lepak noted that this is a good analogy. He represents a large private sector hospital in a similar situation that has the ability to cross train employees and have staffing flexibility. He spoke to the State of Minnesota and its approach to gain gender equity to ensure similar compensation for employees with similarly evaluated positions. The State requires cities and municipalities to draw lines and have distinct positions identified within this pay equity process. Practically, jobs overlap and do similar duties, but the jobs are still separate. Mr. Meyer asked about pay equity and minimum qualifications requirements. Mr. Lepak responded that the public sector probably has more fragmentation in this area than the private sector.

Mr. Meyer noted there are three incumbent employees in the Police Department with almost identical requirements for their positions. The employees are smart and can learn other duties. He sees that the positions can be pooled, but understands the pay equity requirements.

Mr. Lepak suggested that the City do a periodic review of job descriptions to see if the positions are separate or should be pooled.

Mr. Jelkin asked if in Mr. Lepak's opinion the Administrative Secretary position in the police department is separate from the Records Technician position. He responded they are because of separate descriptions and being listed separately on the job classification table of the City.

There was further discussion regarding position points, pay grades, and position descriptions. Mr. Lepak gave an example of a pay equity comparison where the position of a County deputy and a social services worker have the same pay grade and are paid equitably.

Mr. Jelkin commented that the layoff matter has been both difficult and contentious. He offered that he reviewed the City information regarding separation of positions. He added because of the available evidence and the legal opinion of Mr. Lepak, he believes the position of Police Administrative Secretary is separate from the position of Records Technician. He then asked the Commissioners for comments. Mr. Meyer noted that given the way the City looks at this, Chief Hatten operated within the policies of the City and within his scope and reached a reasonable decision to select the position of Administrative Secretary for layoff. Ms. Jensen indicated she agrees with the comments of both Mr. Jelkin and Mr. Meyer.

Chair Mark Jelkin made a motion to affirm that the position of Police Administrative Secretary is a unique position as defined by the City of Hutchinson, and, therefore, to move forward with the layoff of the Administrative Secretary, employee Lisa Grina. Commissioner Jensen seconded the motion. The Chair asked if there was any further discussion. There being none, the motion passed unanimously.

Chair Jelkin asked legal counsel to assist the commission with the definition of the terms discharge and layoff, and the question: does layoff fall under employment and discharge? Mr. Lepak spoke to the wording of the rules in Section 2 of the Police Civil Service Commission rules and the authority noted, therein. He continued that the focus in this area is on hiring, employment, suspension, and discharge. State law that creates civil service dates to 1929 and the statute language from that date remains basically unchanged. There

is limited or no case law on this issue, but he cited a case from the City of Willmar in 1987. He advised the Commission that it is generally up to the entity drafting the rules to define a term, in this case, "layoff". The current rules do address layoff, and they are not contrary to statute.

Mr. Lepak spoke to the seniority issue in union contracts. Historically, there have not been a lot of layoffs in the Minnesota public sector. It is now becoming an issue and old language may need to be reviewed and/or changed to make terms clearer.

Commissioner Jensen asked about Section 31 of the rules and the Commission's ability to amend their rules at any time with a unanimous decision. Mr. Lepak noted that the statute that allows commissions does provide for a large amount of authority to the Commission. He noted Hutchinson is a charter City, but the commission has a lot of discretionary authority. The Commission came after the charter and therefore must act with discretion to the charter.

Mr. Meyer expressed his opinions on the authority of the Commission. He noted that the Commission has control over discharge, and he believes the Commission has authority over layoffs and the layoff process. It seems staff and the City Council, in sending the matter back to the commission, has control. In addition, he cited the Random House dictionary definition of discharge would also indicate the Commission has authority.

Mr. Lepak cited Section 21 of the rules and the layoff process. He noted the Commission control over the review of service records. He commented on the Chief, as the supervisor, knows his department better than anyone else. The Commission is in place to review in an oversight role that the Chief is acting properly – fairly, no favoritism, etc. The Commission is in place to remove any politics from the process – i.e. cronyism and partiality. This Commission did this in this current process and did their job according to the rules.

Chair Jelkin commented that the point that, historically, there have not been layoffs in Hutchinson Police Department and this has not been an area of scrutiny in the annual review of the rules. Hindsight would lead the Commission to take a closer look to clarify the language of the rules. Chair Jelkin asked Attorney Lepak for any advice he would offer regarding this issue.

Mr. Lepak noted this language is not unique to Hutchinson. This is the opportune time to look at changing the language. His recommendation is to do it in the context of structure. When you attach people to positions, it is more difficult to make these changes. After the layoff issue settles, that is the better policy making time. The Commission needs to follow the rules in place to deal with the immediate crisis. Then, go back afterward, and review the language. He also offered that there is no upside to the layoff process.

Mr. Jelkin asked Chief Hatten and City Administrator Plotz if they had questions for Mr. Lepak. They did not. Mr. Jelkin thanked Mr. Lepak for the advice on the ability of the Commission to be able to review the service records of the CSO employees to ensure no oversight in the area of service record review.

Mr. Meyer noted there are things that could be done better in the future and suggested the Commission review the language in the future.

Mr. Jelkin asked for any issues from the floor.

Chief Hatten asked for clarification from the Commission regarding the letter from the Commission to the City Council regarding the proposed layoffs. He questioned if the original letter should be forwarded back to the Council. Chair Jelkin asked Mr. Plotz if he believed providing a copy of the meeting minutes would suffice. Mr. Plotz noted that the minutes would not be approved prior to the Council meeting. Mr. Lepak noted the two motions acted on at this meeting and reporting these actions to the Council should be sufficient for the Council to act upon at their meeting tomorrow, September 28, 2010.

There being no additional items from the floor, the Commission noted the next meeting is scheduled for Tuesday, October 19, 2010, at 5:30 p.m.

Commissioner Jensen moved for adjournment. The motion was seconded by Commissioner Meyer and unanimously approved. The meeting adjourned at 6:19 p.m.

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, November 16th, 2010, at the Hutchinson Police Station. Present at the meeting were, Mark Jelkin, Verne Meyer and Chief Daniel Hatten.

Call the Meeting to Order:

The meeting was called to order by Chairperson Jelkin at 5:39 p.m.

Approval of Agenda:

Chairperson Jelkin asked if there were any changes to the agenda. Motion by Commissioner Meyer, second by Chairperson Jelkin to approved the agenda as proposed. The motion passed unanimously.

Approval of Minutes:

Chairperson Jelkin asked the Commission to approve the previous meeting's minutes from the August 24th and August 27th meetings. Motion was made by Commissioner Meyer, seconded by Chairperson Jelkin, to approve the minutes from the two August meetings. Motion carried unanimously.

Staffing Issues:

Chief Hatten advised the Commission that Communication Specialist Kris Lindell had received a conditional job offer for a police officer position from the City of Buffalo, MN. Lindell is currently in the final testing phase which will take a couple of weeks to complete before the formal job offer is presented to her.

Chief Hatten asked the Commission to review Police Commission's Rule and Regulation, Section 27, Reinstatement. The Commission was also asked to review the severance agreement signed by the city employees impacted by the layoffs. A decision would have to be made by the Commission if the recently laid off employees would have first right of refusal for the position of Communication Specialist if Kris Lindell submits a letter of resignation in the coming weeks.

Chief Hatten then asked the Commission to consider if the two current part-time Communication Specialists would be eligible for the full-time Communication Specialist position if it becomes available. The Chief reminded the Commissioners that both part-time employees have completed the same testing process as the full-time employees. This was done for the specific purpose to allow the part-time employee to be moved into the full-time positions.

Chief Hatten advised the Commission that he would notify them if Kris Lindell submitted her letter of resignation and if a special meeting was needed to address the staffing issue.

Review Police Commission Layoff Process.

Motion was made by Chairperson Jelkin, seconded by Commission Meyer, to continue this issue until the next meeting to insure all three Commissioners were present for the discussion. Motion carried unanimously. Chairperson Jelkin asked each of the Commissioners and the Chief to bring with them their version of a draft outline of the layoff process.

With there being no further business to discuss, a motion was made by Chairperson Jelkin, seconded by Commissioner Meyer to adjourn the meeting. The motion carried, unanimously.

Time of adjournment was 6:57 p.m.

Next Meeting to be held on, December 14th, 2010, at 5:30 pm.

Julie M. Jensen, Police Commission Secretary

Hutchinson Police Commission Minutes

The Hutchinson Police Commission held a meeting on Tuesday, December 14, 2010, at the Hutchinson Police Station. Present at the meeting were, Mark Jelkin, Julie Jensen and Chief Daniel Hatten.

Call the Meeting to Order:

The meeting was called to order by Chairperson Jelkin at 5:27 p.m.

Approval of Agenda:

Chairperson Jelkin asked if there were any changes to the agenda. Motion by Chairperson Jelkin, second by Commissioner Jensen to approved the agenda as proposed. The motion passed unanimously.

Approval of Minutes:

Chairperson Jelkin asked the Commission to approve the previous meeting's minutes from the November 11th meeting. Motion was made by Chairperson Jelkin, seconded by Commissioner Jensen, to approve the minutes from the November meeting. Motion carried unanimously.

Staffing Issues:

Chief Hatten advised the Commission that Communication Specialist Kris Lindell had accepted a position of police officer from the City of Buffalo, MN. Lindell has submitted her resignation with her last working day December 10, 2010.

Chief Hatten asked the Commission for approval to offer the full-time Communication Specialist position vacated by Lindell to one of the current part-time Communication Specialists. Chief Hatten advised the Commission that the senior Part-time Communication Specialist was not interested at this time in becoming a full-time employee. Motion was made by Chairperson Jelkin, seconded by Commissioner Jensen to extend a job offer to part-time Communication Specialist Christina Gerdes for the position of full-time Communication Specialist for the City of Hutchinson. Motion Carried unanimously.

Review Police Commission Layoff Process.

The Commission reviewed the draft outlines presented at the meeting by each of the commissioners and Chief Hatten. After a lengthy discussion addressing the points where the Commission was in agreement and the areas of concern, Chairperson Jelkin offered to draft a revised outline. This outline will be available in advance of the January meeting, where it will be reviewed and further revised.

With there being no further business to discuss, a motion was made by Chairperson Jelkin, seconded by Commissioner Jensen to adjourn the meeting. The motion carried, unanimously.

Time of adjournment was 7:23 p.m.

Next Meeting to be held on, January 11, 2010, at 5:30 pm.



Julie M. Jensen, Police Commission Secretary