

City of Coral Gables City Commission Meeting
Non-Agenda Item
April 22, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Human Resources Director, Elsa Jaramillo-Velez

Public Speaker(s)

Michael Chickillo, Fire Representative

John Baublitz, Police Representative

Non-Agenda Item [Start: 12:46:15 p.m.]

Mayor Cason: We are going to go back one more item that Commission Lago has under F-1 and then we'll move onto K.

Commissioner Lago: Thank you Mayor. I appreciate it. I'm bringing up F-1; it's something that I imagine everyone on this dais is aware of. In the past few days we were made aware that there were a few evaluations done in regards to employees prior to the City Manager leaving office, leaving his position last Friday. I thought it would be a good idea that we discuss it in the open amongst the Commissioners and the Mayor and basically be able to see in the Sunshine, if this was in the best interest of the City, and I'll tell you why, because I think personally myself it just sets a bad precedent for us currently as a City as we negotiate with the unions, number one, and it also sets a bad precedent to 700-plus employees who have been dedicated to the City and may

have not received a merit increase, and all of a sudden only a few individuals who work under the Manager and it's not all the individuals that work under the Manager. It was only a select few individuals received a merit increase, and I think that, number one, it pains me to bring this up here, but I feel that it is truly in the best interest of the City to be as transparent as possible and move from something which I think was intransparent and actually may cause the City some damage. So I don't know if anybody has anything they want to discuss?

Mayor Cason: I think we ought to start with Elsa, tell us what the procedures are and then we can go from there.

HR Director Jaramillo-Velez: Good morning. Oh, it's afternoon already. I just want to say a few things for the record. First of all, I've been in public service for the last 15-plus years, I'm a Florida licensed attorney and most recently an adjunct professor with FIU in the MPA program. So reputation means the world to me, it's everything and I think it's calling to question not only the City Manager, but HR as a whole and so that's why I want to address it. First of all Rule 4 and Rule 7; Rule 7 provides for merit increases to employees. The merit increase is from the date that you start employment with the City and a year there after you are going to be evaluated. You are going to receive whatever the percentage is at that time 2.5 is what currently all employees have up to the max of the range. In other words, a person could have gotten something less than a 2.5, that's Rule 4, and I'll give you copies of all the rules.

Interim City Manager Olazabal: And that applies to general employees?

HR Director Jaramillo-Velez: It applies to everybody.

Mayor Cason: All 800.

Commissioner Lago: All 800.

HR Director Jaramillo-Velez: To everybody – all.

Interim City Manager Olazabal: All throughout the organization.

Mayor Cason: Other than people on probation, right?- people on probation.

HR Director Jaramillo-Velez: They do receive an evaluation but there is no increase.

Mayor Cason: No increase. OK – one year?

HR Director Jaramillo-Velez: A six month period.

Mayor Cason: Six months?- OK.

City Attorney Leen: It applies to everyone except for the City Manager, City Attorney, City Clerk and the City Commission.

HR Director Jaramillo-Velez: Yes, of course the rules do apply; they apply to a certain extent. So there is Rule 4 and then there is Rule, I'm sorry there is Rule 7, which I mentioned and then there is also Rule 4. Rule 4, I think, maybe the one in question which is the one for exceptional performance. That's a rule that's been in existence for 2-3 years now, and it's only been applied to five individuals in the past and this rule when you think, well what authority the City Manager has to implement any of these types of rules. Well then you have to look at in 1957 was initially the first time that this Commission gave the City Manager the authority to pass any type of resolution for implementation of personnel rules and regs (regulations) OK, and I'm sorry, that's Resolution No. 6866 from 1957. Then, throughout subsequent years and the most recent that I could find was in 2009, in October of 2009 the same Commission utilized the same language where it provides 2009-265, that the compensation and benefits of any excluded employee may be amended from time to time by the City Commission on an as needed basis. So there is the authority. Now if you look specifically, and I'm not sure if the Interim City Manager shared with you the e-mail that I prepared for her, I do have copies of those, I explained each one of the evaluations and all these evaluations were past due. There were not evaluations going forward, these were past due evaluations.

Commissioner Lago: Can I interject one second?- that's where you hit the core of my problem. In my business I provide evaluations every year, it doesn't go one year that someone doesn't get evaluated. When was the last time that you were evaluated?

HR Director Jaramillo-Velez: Well, I was evaluated on Friday.

Commissioner Lago: Before that.

HR Director Jaramillo-Velez: Before that it was six or seven, eight months later.

Commissioner Lago: Before that.

Mayor Cason: Is it annual or semi-annual?

HR Director Jaramillo-Velez: It's an annual, but it depends on when your supervisor does them.

Commissioner Lago: OK. But my question to you is this, my understanding is that several individuals who are under the auspices of the City Manager have not been evaluated in 5 years, so that's a problem, that's the first problem.

HR Director Jaramillo-Velez: There is a rule to that effect as well.

Commissioner Lago: I understand. I understand. When you reach a certain level in regards to your merit increase, but you should still be evaluated, it's important; it's important to your job function and an individual's ability to work every day, you need to know how you are doing at your job. That's something simple, that's basic, there is nothing that you can discuss there that tells me that goes away from that, so that's number one; number two, what constitutes somebody receiving a 4 percent increase, 9 individuals and the City Manager not reviewing everyone under his auspice only certain individuals that he decided would be reviewed prior to him leaving this organization, can you answer me that question?

Mayor Cason: Who was reviewed at that level?

Commissioner Lago: The individuals that were reviewed were the Human Resources Director...

Mayor Cason: No, I don't mean by the names, but I mean was it division directors only?- and then they review people below them and cascading down.

HR Director Jaramillo-Velez: I mean it depends. Normally your immediate supervisor would be the one to...

Commissioner Lago: That's where we run into another problem. The second problem that we run into and that is that the Public Affairs Specialist does not fall directly underneath the City Manager, she falls – she has a supervisor that was circumvented and did not receive a review, so you have an employee that is buffered by another employee who did not receive a review, that to me doesn't stand well. You just can't review somebody and skip the link, that doesn't work, so that's the first thing. You have people in his own office that were not reviewed, so again, I go back to my question to you, second time I ask, why is that certain people under his auspice were reviewed and certain people were not reviewed the day before he left.

HR Director Jaramillo-Velez: Well, Mr. Commissioner with all due respect, that's not a question to be answered by me.

Commissioner Lago: But you are the Human Resources Director.

HR Director Jaramillo-Velez: Absolutely, but I can't answer why certain individuals were reviewed and others were not, that would be a speculation on my part.

Mayor Cason: How many people does the Manager normally review?

HR Director Jaramillo-Velez: He reviews the Directors, the Assistant City Managers, and individuals already under his supervision.

Mayor Cason: And it's supposed to be done at the one year anniversary from the last one, right?

HR Director Jaramillo-Velez: That's correct.

Mayor Cason: So they are staggered?- they not all at one time?

Interim City Manager Olazabal: Elsa do you provide...?

HR Director Jaramillo-Velez: I'm sorry, let me finish Mr. Mayor.

Mayor Cason: Ideally, I've done this for 40 years supervising people as well, and usually there is a set time in the organization and in mine it was always April 1st, but I gather here it can be – the performance evaluations can be given at any time during the year, usually one year staggered, right?

HR Director Jaramillo-Velez: Right. It's from the day you start in that position.

Mayor Cason: And if you don't do it and then you get around to it, eventually for whatever reason, you miss the deadline, it goes back to, and it's retroactive and starts the day after, if there is any increase.

HR Director Jaramillo-Velez: That's correct. It is retroactive to the day that your evaluation should have been done.

Mayor Cason: OK. So in this case there were at the last moment before he left, he did pending evaluations.

HR Director Jaramillo-Velez: Yes.

Mayor Cason: And several of those people were rated higher than – is 3 the normal?

HR Director Jaramillo-Velez: 2.5 (percent) and above is what's going to get you the increase.

Mayor Cason: So without getting the evaluation you would not get the 2.5 percent?- you need an evaluation to get it.

HR Director Jaramillo-Velez: You need an evaluation.

Mayor Cason: 2.5 you are going to get 2.5.

HR Director Jaramillo-Velez: That's right.

Mayor Cason: And if you get higher is that a written rule if you get a 3, 4, or 5?

HR Director Jaramillo-Velez: It's in our personnel rules and regs that you need to get a 2.5 minimum in order to be able to get a merit increase.

Mayor Cason: Now can people at other levels do the same thing?- can it be like down lower in the organization the rank people below them, do they have the option to give increases, one is a step increase in the federal government, the other one would be an incentive, a quality increase, are they able to do that?

HR Director Jaramillo-Velez: I'm not sure I understand your question. The merit increases – are you talking about the rules, the Rule 7 and Rule 4? The Rule 7 – yes, that's throughout the organization; Rule 4 is specific for the excluded, and it's happened in the past, for example, the City Attorney has previously recommended that a member of his staff, the Deputy City Attorney received an increase last year and that was done.

Commissioner Quesada: Who has the authority to grant these?- only the City Manager?

HR Director Jaramillo-Velez: City Manager with HR recommendation, unless it is the City Manager himself making the request, such as in my case where he told me do it pursuant to the Rule, I want you to write a memo pursuant to the Rule.

Commissioner Quesada: Do you have a copy of that memo?- did you write a memo?

HR Director Jaramillo-Velez: Not with me, but I provided it to Carmen.

Commissioner Quesada: So did you provide a recommendation at that time or pursuant to the Rule, did he proceed with his...

HR Director Jaramillo-Velez: The recommendation I did – because the two individuals we are talking about in terms of the 4 percent...

Commissioner Quesada: I'm talking about all of them.

HR Director Jaramillo-Velez: Is Cindy Birdsill...

Commissioner Quesada: OK.

HR Director Jaramillo-Velez: OK. I did the memo on that and then the other individual is myself and he told me this is what I think you deserve.

Commissioner Quesada: So only the City Manager in conjunction with the recommendation or approval from the Human Resources Director can grant these raises, correct?

HR Director Jaramillo-Velez: That's correct.

Commissioner Quesada: The individual – this was done on Thursday?

HR Director Jaramillo-Velez: This was done on Friday.

Commissioner Quesada: This was done on Friday – and he was no longer City Manager on Friday, is that correct?

Mayor Cason: No, he was still Manager until 5 o'clock.

HR Director Jaramillo-Velez: He is still Manager until close of business is what the record show.

Commissioner Lago: So then correct me if I'm wrong, I apologize Vice Mayor, so we had two City Managers?

City Attorney Leen: Look, the resolution did give Carmen Acting City Manager authority, and in fact the Manager did not attend certain events based on the fact that she was the Acting City Manager, but they were both here, so it did cause some confusion.

Commissioner Quesada: The agreement that he signed as far as with the severance and everything said that – did the resolution address the date of his resignation?

City Attorney Leen: Yes. His resignation was effective on Friday at 5 p.m.

Vice Mayor Kerdyk: I have a couple of questions, if I may? Rule 7 – so we just understand this perfectly, is the merit increase. I think what you're saying is basically, the person gets evaluated, if they receive at least a 2.5 minimum score of a 5 scale, is that correct?

HR Director Jaramillo-Velez: That's correct.

Vice Mayor Kerdyk: A minimum that they get the 2.5 raise.

HR Director Jaramillo-Velez: That's correct.

Vice Mayor Kerdyk: OK – and these individuals, how many individuals was it 7?- 9?

HR Director Jaramillo-Velez: 8.

Vice Mayor Kerdyk: 8 – OK, I'm in the middle. OK, so 8 got reviewed at the end and these were 8 that maybe needed to be reviewed from October 2012 to October 2013, is that what that says?

HR Director Jaramillo-Velez: That's correct. From May-June of last year.

Vice Mayor Kerdyk: So the City Manager reviews those people says they meet the minimum threshold and they get the 2.5 percent merit increase. If he's not there to review them and they are his supervisor, I guess they are not getting the 2.5 percent increase, OK, so that's one issue. I have one final question that's going to sort of bring, I think make this whole situation come to the end, on Rule 4 then what you were saying is, again, you have a grading scale of 5, correct?

HR Director Jaramillo-Velez: Right.

Vice Mayor Kerdyk: The supervisor grades out – you have to reach at least a 4.75, correct?

HR Director Jaramillo-Velez: That's correct.

Vice Mayor Kerdyk: OK. So how many individuals of the 8, how many individuals reached that 4.75?

HR Director Jaramillo-Velez: 4 – 3 or 4.

Vice Mayor Kerdyk: So the City Manager gives the 4.75 to 4 of the 8, excuse...

HR Director Jaramillo-Velez: The scores – the ratings.

Vice Mayor Kerdyk:...4.75 though, 4.75 – OK. So of those 4 how many got the increase?

HR Director Jaramillo-Velez: 2.

Vice Mayor Kerdyk: 2 – so of the 8, 2 percent got the 4 percent increase, correct?

HR Director Jaramillo-Velez: Correct.

Vice Mayor Kerdyk: OK. City Manager signs off on it, correct?

HR Director Jaramillo-Velez: Yes.

Vice Mayor Kerdyk: Did you sign off on it Carmen?

Interim City Manager Olazabal: Yes.

Vice Mayor Kerdyk: OK. So now you have the Acting City Manager and you have the existing City Manager that signed off on this thing, is that correct?

HR Director Jaramillo-Velez: That's correct.

Mayor Cason: Let me ask Carmen to speak next.

Vice Mayor Kerdyk: Let me just say do I condone it?- no. Do I want to reverse the good performance?- no, but the fact is I just want to clarify the matters as I understand it.

Commissioner Lago: But Vice Mayor if I can just interject, I apologize Mayor, just bear with me one second. You are picking and choosing who gets merit increase reviews. Ernesto Pino was not reviewed, Lillian in his office was not reviewed, so what does it look like?- it looks to the public because I've gotten phone calls and I've had to listen to people who, one of them will speak now, who and I hate to use this word, calls our judgment, calls our organization to task and says, what are you guys doing?- what is going on here?- is this picking and choosing who your favorites are and who get merit increases and who does not? Let me also be 100 percent clear

and I want to be crystal clear, the \$29,119.75 in regards to the salary when you break it down, which is right here if anybody would like to review it, you in regards to the monies is not the issue for me, if you work hard in this organization you deserve your merit increase. I'm 100 percent behind that. If you get a 4, but if your superior says that you deserve a 4 percent increase, I commend you, I think it's great, it only benefits the people who pay taxes in this community, that's what we want, we want all our employees to get a 4 percent merit increase. That would be spectacular, but I don't want to hand out merit increases in this fashion because it just looks, optically it just looks hazy. It just doesn't look correct, it does not look and I know I harp about it, it does not look transparent. It stinks; it stinks, to be honest with you.

Vice Mayor Kerdyk: Hold on, hold on. First of all I didn't know that there are other people that did not give merit increases to, that I didn't know, so let me stand corrected there, but having said that, do I think that we should take back from Elsa or from, the 4 percent increases, I don't think that's right either, I mean I wasn't there. Again, do I condone the way this was handled?- no, do I think that these people that have gotten these increases should be penalized?- my answer is no. Should we have done it wrong, should we have done it differently?- yes and the fact is I'm trying to move forward here in this arena now, I think the past is the past and now we want to make this a better institution. I think that's fine, but I don't know how we go back on this and say, especially since the Acting City Manager signed off on it too, it's not like the former City Manager just signed off on it arbitrarily, the current one signed off on it too. Again, I'm paying for this too and I think that we should do all the evaluations, I agree with you 100 percent, I didn't realize there were other ones that weren't given.

Interim City Manager Olazabal: Just to clarify, I was provided two letters that explained all the accomplishments, these two employees that received an exceptional work performed in the year. I read it, it seemed that it was justified and I signed off on it, I initialed it. As to why the previous City Manager did not do all the performance evaluations during that timeframe, I can't – that's something else, but I think it's justified, I think they are committed employees that have done a good job for the past year and that's why I signed off on them.

Commissioner Quesada: Where is your approval?- where is your approval on this because I'm looking at the forms that you told me?

Mayor Cason: Let's accept that she signed off on them. Looking forward as a person that's been a manger of large organizations, I think it's very important for a Manager, the next Manager we are looking forward, to be able to look at all the staff that he has that are under his supervision for which he or she is responsible for writing evaluations and decide who if any merits, exceptional pay for exceptional performance. I don't think it's an obligation to give everybody, some people do better than others, they know what their expectations are, if they are not

performing a lot of them would be gone. So I don't think as a management tool we should take away the possibility of giving an incentive to exceptional people. I do think that the reports should be done on time. I know that in the press of business all kinds of things delay, I've done efficiency reports late too, but I think – the option here was not to do them and those people would not have even gotten the 2.5 percent increase or you would have asked somebody who was not the supervisor to rate them, which is not correct either. So I think from what I see caught up with things that should have been done, did them, made his judgment, and I don't know whether some of the others were not evaluated at all in the last year or two or whether decided that the people that he gave these two were the ones that were the best performance, I don't know. So don't throw out the ability of a Manager to reward his top performer. You can't always do it with salary, but you can do it with various ways to do it, but this is a tool that should not be taken away.

Commissioner Quesada: It shouldn't have been done on the last day and I got to say that's our fault, that's our fault the Commission up here, we shouldn't have – in hindsight looking at this, we should have accepted that resignation immediately or within a day, given that additional time, I mean, we have that article that came out in the Herald, which was not related to the parking garages, which had nothing to do with conversations that we've had on this Commission dais and this happens; and again, I hate to say it, it's our fault, and we shouldn't have given that time. The biggest problem I had with this of the people on that list that I deal with I tell them all the time, I tell you all the time, I think you do a great job, I tell Carmen all the time I think she does a great job and Cindy as well, that's what sort of the quagmire that I'm in. I don't think that it should have been signed off by Carmen, by you so quickly, I don't know what your involvement was, I would have liked to have had a discussion about it. I don't like the fact that some people you pick and choose, I think as Commissioner Lago so clearly pointed out that he was even evaluating people that don't technically falls within his purview, but do not directly report to him, which there is a huge of abuse of discretion there and that's the only interpretation I can take from that and I understand what Vice Mayor Kerdyk is saying as well. I'm somewhere between. I hate the way it played out, it should absolutely never happen again, but just because we are arriving at the right place the wrong way doesn't make it right either.

Commissioner Lago: Yes, but I think you are setting a bad precedent right now and you are leaving a very, very – you are starting from this moment on in a bad way because 9 people received evaluations and not the entire organization that was under his purview. So right there you are already starting off on the wrong foot, you have to take a step back, take a step back, the individuals that work here in this organization like our Director of Finance are going to get their merit increase when the new City Manager comes in and they are going to get what they deserve because they are individuals who work hard and make up our organization and the reason why our organization runs so well is because of directors, not because of one person. This

organization is not run by one person, this organization is run by 800 employees, so I think that the way you set an example, and I don't mean a bad example, I think the way you set an example to the 800 employees and you don't lose confidence from those employees is by repealing this line and then when the new City Manager comes in you move forward in that direction. I just think that right now you've got to be very, very careful right now. We are in the middle of negotiations in regards to the unions, we are doling out \$30,000, how do I answer to Mr. Pino?

HR Director Jaramillo-Velez: Let me talk directly on Mr. Pino. When Mr. Pino, he may not have been evaluated, however when he became interim, if I recall correctly we gave him, I forgot if it was a 15 or 20 percent increase in salary.

Commissioner Lago: That's not the question. He didn't get his merit review. I'm not talking about – the salary is none of my business. I have his salary right here; I can review it too here in the budget. My interest is in the merit increase, let's not change, let's not try to segway into another. I'll give it to you even better. When I step off this dais how do I answer Belkys boss, tell me, who was circumvented, not once but twice, when Belkys was reclassified and when she received her merit increase. I'd like to know how I answer to her when she comes to me and says, Oh I was never notified about this and it kind of bothers me. Belkys works under her, that's what I'm looking for. So, I've said my piece, I think that we as a Commission need to make a decision here. It's not that difficult. We are moving forward as the Mayor said, we are going to be transparent and we are not going to lose focus on the bigger picture, and I think this is just a pebble.

Mayor Cason: Let me ask, do we have a written list and if we don't, we should have for the next City Manager, of the persons that he or she will evaluate annually, we should have a list like that.

HR Director Jaramillo-Velez: Yes we do.

Mayor Cason: We should have a list like that.

HR Director Jaramillo-Velez: We do. We provide it every year to all department directors and...

Mayor Cason: You don't pick and choose throughout the organization, you shouldn't, usually it cascades down and your directors pick the next and so on.

HR Director Jaramillo-Velez: And that's one of the things we do every January, we stay here for the entire year when you need to evaluate the employees.

Mayor Cason: And also we need to make sure that Human Resources reminds the Manager of all kinds of things they are doing that two weeks from now, whatever the lead time is, that your evaluation is due, so that we try to get them all done on time and don't have the situation where had he not done them they would have lost their 2.5 percent and the two that got an increase would not have gotten it.

Commissioner Keon: It would have become retroactive though, but I think that we are addressing Elsa as though she somehow created this issue.

Mayor Cason: No, no, no.

Commissioner Keon: I think from her vantage point and her standing there answering our questions and her concern for her own personal integrity and her professional integrity, I sympathize with you. This is not of her making. This is not of her making.

Mayor Cason: Of course not, of course not.

Commissioner Keon: I also think we had a City Manager that had an exceedingly strong personality that was very difficult to say no to. I think it was a very, very difficult environment that a lot of people worked on. I would hope going forward every single person in this organization no matter what your level is, if you are directed to do something that you really question or you really are uncomfortable with you need to speak up, you need to speak up. We have a City Attorney....

Commissioner Lago: A wonderful City Attorney.

Commissioner Keon:...that they can go to and I think there are procedures within personnel as to how employees can bring forward issues or whatever else. So going forward I really would send that message to our employees, you need to speak up. For us it is a good time to really consider all these issues as we go forward in selection a new City Manager as the type of person what we want. I mean the people are entitled to be reviewed. This is also not Elsa's that is not her issue. She can give the Manager or whoever the supervisor is, the information and if they chose not to do it there is little she can do about it; they chose not to do it. So I don't have a problem, I mean I don't like the way it was done; I don't like what was done. The only one I really have a problem with and I would like to see it be rescinded because I would like to see the direct supervisor be the one to do the evaluation if there is a merit increase and an additional increase, it really should go through the supervisor. I think that, that was a real failing. I think that was really wrong, so that particular one I would like to have, I mean I would like to see the individual supervisor do the evaluation and whatever compensation is due under that evaluation, and I don't know if when

you are reclassified does that start your date all over again?- or does your date start back from your date of hire?- so it continues. OK. So that doesn't make a difference, so it's really from the original date of hire even if you got an adjustment in salary and everything else mid-year, OK.

City Attorney Leen: Excuse me Mr. Mayor. That's a touchy subject regarding taking the money back on the 2.5 percent, because it was past due and it is retroactive and it is for work that's already done. So my legal opinion would be that the retroactive ones for 2.5 percent, you really should keep in place although you might order or you might direct that the direct supervisor still do an evaluation. The 4 percent raises are discretionary. They can be removed by you if you wish, however I would say one thing, and I addressed this issue with the Manager a couple of years ago about evaluations. I remember I had spoken to Elsa about it because I had heard from directors they were not being evaluated. Elsa, I know had been asking the Manager to do those evaluations, is my recollection, but she told me that I should speak with him myself, so I did meet with him. I did tell him that he needed to do the evaluations. My understanding was that he did do the evaluations at the time, that he proceeded to do them and I never heard about it again until now. All I would ask as your legal counsel is that if there are evaluations that have not been done and there are people who have been waiting for 6 months or a year, they should be evaluated immediately and we should use the person who is best able to evaluate them because the former City Manager is no longer here, that maybe Carmen, that maybe their direct supervisor, that maybe Elsa, someone needs to evaluate them or otherwise they would – their due is 2.5 percent and its retroactive and it needs to be done, it's been brought up at a meeting, we need to do that.

Mayor Cason: How many of those people are there?- do you have any idea?

HR Director Jaramillo-Velez: I'm sorry?

Mayor Cason: How many people have not been evaluated within a year under the City Manager?

HR Director Jaramillo-Velez: Directly under the City Manager? MR (Maria Rosa) was not evaluated; she was at the top of her range as well. I know the value of an evaluation, but I'm saying she wouldn't have received a 2.5.

Mayor Cason: But in terms of compensation, it would have made a difference.

HR Director Jaramillo-Velez: Lillian, Pilar when she was in the office.

Commissioner Lago: Pilar was not evaluated how many years?

HR Director Jaramillo-Velez: I'm sorry?

Commissioner Lago: How many years was it that Pilar was evaluated?

HR Director Jaramillo-Velez: Since the Manager started in 09.

Commissioner Lago: Five years, that's incredible. So hold on let me ask you a question since we are discussing that. So do we owe her 2.5 times 5?

HR Director Jaramillo-Velez: No, no, they were at the max, that's what I was trying to explain.

Commissioner Lago: No, no, but I'm saying...

Mayor Cason: She was maxed.

City Attorney Leen: Is she at the max.

HR Director Jaramillo-Velez: She is at the max of the pay range.

Commissioner Lago: How about Mr. Pino?

HR Director Jaramillo-Velez: There is another rule that mentions that, that if a person is already at the top of the range it's discretionary whether the Manager does it or not, there is a rule on that.

Vice Mayor Kerdyk: Lillian is she...?

HR Director Jaramillo-Velez: Lillian – she's at the max.

Vice Mayor Kerdyk: She's at the max too.

Mayor Cason: How many people not at the max?- total of names?- what are we talking about?

Commissioner Lago: That's what I'm interested in.

HR Director Jaramillo-Velez: I'd have to just to make sure; I'd have to look at everybody's evaluation.

Mayor Cason: A couple?- a lot?

HR Director Jaramillo-Velez: I'd have to look at the evaluations.

Commissioner Lago: Let me ask you a question. If the Manager did not evaluate someone for repeated years and it was possible for them to get a 2.5, 4, or whatever the merit increase may be depending on their score, depending on their evaluation, what do we do with those individuals?- and individual who hasn't been reviewed for 2-3-4 years, what do you do?

HR Director Jaramillo-Velez: We have somebody like that, the Parks Director, Fred, and he had not been evaluated and he was owed and so I think it was last year, we did three years back, going back, so we paid him all his retros going back.

Mayor Cason: One thing that's always good in an organization is to have and I don't know how it works here, but the employees in the category we are talking about to be able to participate in this and so by writing what they've done, reminding people, make it easier for them and here's a list of things that I've done, reminding the supervisor whatever level that my report's due, here's some input for you to make it easier for you to remind you, because people are busy, but it's not an excuse not to do them on time. Do we have a system like that where you can give input to your supervisor? It's done at the federal government all the time.

HR Director Jaramillo-Velez: It's not technically under our rules. Before the person signs they are able to review and actually attach a comment of sorts, but yes, it's pretty much up to the supervisors to have that one-on-one input with the employee.

Mayor Cason: Well I would think going forward, and you'll get back to us how many people have not been evaluated.

HR Director Jaramillo-Velez: Yes.

Mayor Cason: I agree that maybe we can find a mechanism that the most appropriate person would evaluate them, but let us know the numbers and I think going forward we ought to have, the next Manager should have, we want that Manager to get the reports done on time and we want to have these discussions throughout the year about how am I doing, but still the flexibility for the Manager to decide which of those employees he thinks merits an extra incentive, that's in every organization allows for that, and they've got to do them on time. Just one minute George, anybody else here wants to talk about...

Commissioner Quesada: Again, I still have a problem with the way this was handled. I first found out about these merit increases through someone off the street, gossip that was going

around, and then Commissioner Keon sent an e-mail to the whole Commission, I believe it was directed to Carmen and she responded to it. I honestly didn't think that it was going to be – I was saying Commissioner Keon, the e-mail that you sent out that you copied all of us requesting from the City Manager if merit increases were given, I expected the response to come back as no, that wasn't happening. When it came back yes, I was absolutely shocked. We should not have been blindsided that way considering that transition period. I think there needs to be foresight on everyone who is involved to foresee what the problems are, those are the qualities that we expect from our directors and our Manager and Assistant City Manager to anticipate us what the potential problems may be. This is very, very clear, at least in my mind, but again hindsight is 20/20. At this point it's tough, again the names I've seen are all the people I deal with I think are absolutely deserving of it, but again I hate the way it was carried out. What I'm thinking right now, what I'm going to propose as a motion is that at this time we, the Commission as a whole, we will review these individuals to determine whether we will allow these raises to go forward.

Commissioner Keon: Is that the 2.5 or....

Commissioner Quesada: I'm saying the people who received the increases for us to individually review those, and I'm not saying the result may end up being the same, but I think the procedure is very important and the process is very important and the process is very important and because this was a hazy time of who was the City Manager, who is not the City Manager, we had double City Managers creates a concern for me. Again, the end result may be exactly the same, but as far as the procedure for this unique circumstance for these set of individuals, that's what I'm leaning toward right now. I have decided whether I'm going to make that motion or not.

Mayor Cason: Are you proposing that looking forward as a precedent that the next Manager can expect or could expect us to intervene in terms of decisions on compensation?

Vice Mayor Kerdyk: You know the problem here in my opinion that would be a good motion for me if the current City Manager did sign off, so essentially, in my opinion I mean I could be totally wrong, I mean the fact is that, that's OK if the former City Manager signed off, but now you have the Acting City Manager, so you are basically you are usurping her powers by doing that. I can't see doing that and it's not the fact that you are not correct, it's not the fact – we all – it pains us all how this was handled, OK. We don't get involved in that level of our government. Unfortunately, we found out and you were nice enough to send out the e-mail, it was the first time I heard of it. The fact is that I think by doing what you are possibly suggesting is you are taking away from our City Manager here, and that's where I'm having problems with that.

Commissioner Quesada: You know you raise a good point; you raise a very good point.

Commissioner Keon: Yes you are. You know what?- I think it's also incumbent upon us to correct a wrong.

Commissioner Lago: Yes.

Commissioner Keon: That's what you balance. Do you take someone's power or when you have the ability to correct a wrong, do you do that?

Commissioner Quesada: Hold on a second now. What kind of message are we saying to the applicant for City Manager?

Mayor Cason: That's what I'm saying, that's my point.

Commissioner Lago: But we are also sending a message to employees here in the City of Coral Gables that this type of behavior is unacceptable. So when you review documents that are put forth in front of you and you sign them and you approve them, you knew well that certain people had not been reviewed who are under the purview of the City Manager and that will do a review and could potentially get a 2.5 percent increase or more. So to me I think that is something that we need to make sure, I'm not calling anybody into question, these individuals 8 or 9 of them could be well valued and well deserving of their merit increases, but you need to do things within the Sunshine in a transparent manner.

Vice Mayor Kerdyk: Let me say one more thing. I'm sorry. I'm sorry.

Commissioner Lago: That's OK.

Vice Mayor Kerdyk: I think how you right the wrong is not necessarily to make another wrong, you make it right by the people that have not...

Commissioner Lago: Why don't we lower it to 2.5?- why don't we take this point and lower the individuals, the 8 individuals who got merit increases to 2.5 and reduce them from 4?

Vice Mayor Kerdyk: They did get 2.5, except for two individuals.

Mayor Cason: Two people got more than 2.5. How about going back and first of all looking at the people that were not evaluated, finding the right person to evaluate them, get their evaluation, and see what happens with it. The others were evaluated late, the Manager made his decision, the Acting Manager or whatever it was at the time agreed and I don't think we should take away

from those and I think we both agree that those are well – I would have done that, but the others were evaluated, were not chosen to be, to get more than 2.5. You come back to us with a number of people that were not evaluated that definitely need to be evaluated and let's see what kind of compensation we come up with.

HR Director Jaramillo-Velez: I will.

Mayor Cason: Going forward – and then George come up.

Mr. Volsky: Mr. Mayor just for the record, George Volsky, 1008 Alhambra. This was an April surprise. I hate surprises. Five years ago there was another surprise; the outgoing City Manager did something which happened to be illegal, another surprise. I don't want to go into the, I don't know the names, I just learned one today, and I was absolutely surprised, very surprised and very angry. Why?- because at the request of our very abled City Attorney, I have prepared a long, long memo stating my reasons for some allegations which I made, which I think are right of that person being in the wrong. I believe my allegations were very serious and serious enough that my letter has taken Mr. Leen to answer and to be certain that I'm not doing anything behind anybody's back; I gave the City Manager a copy of that letter. They are very serious allegations, yet that person was evaluated up, that person should not have been evaluated pending the evaluation or the response of Mr. Leen to me, I think, very well documented allegation. Again, I believe looking forward, this Mayor says, there ought to be one evaluation before the budget, in other words we know they are going to pay people and live with the budget and no more evaluations until next year. This ought to be done automatically, once a year within the budget, once a year, once a year.

Mayor Cason: That's why the federal government tends to do it April 1st.

Mr. Volsky:...it's not automatic, but the question of that person I think is very, very personal because...you employ that person you rule and I think this is slap at least on my face that I take very, very seriously. So that person should be taken out of that completely because that person is still be illegal improprieties which I'm sure Mr. Leen will reply.

Mayor Cason: OK. Thank you.

Vice Mayor Kerdyk: Thank you.

Mayor Cason: Yes.

Mr. Mike Chickillo: Mike Chickillo, Coral Gables Fire. I just want to speak for a minute on this. I understand Commissioner Lago's point, it's been brought to us as well through my members,

it's the perception that this does. I believe Elsa deserves a raise, she deserves her merit increase, and all the employees deserve their merit increase if they are over the limit. Mr. Salerno did what he did, I have 130 guys calling me up and saying, hey look what he just did, he gave them a pay raise. With all the stuff he did to Police, General employees and Fire in the last contract, we gave back our merit step; we went from 5 to 2.5. All they see is pay raise; they don't know how they get them. Merit increase is a lot different from a cost of living raise, which we haven't had in 7 years, it's a different animal, but they see pay raise and they are wondering why are they getting something we are not, and I think if he didn't do anything at all and there was no action taken they would have still gotten their raises. I think it was bad timing on his part, and I'm not here to say that these employees don't deserve their raise, but it's a bad pill to swallow to the guys. I'm sure John will speak about his guys too; it doesn't look good to see...

Commissioner Keon: You have women in there too.

Mr. Mike Chickillo: Guys and girls (laughter), but it looks bad, it looks bad, it sets a bad taste – it puts a bad taste in somebody's mouth, you know he did this to us and now this happens, it's really not their fault.

Vice Mayor Kerdyk: But you get merit increases too though, don't you?- you get 2.5 percent...

Mr. Mike Chickillo: Our merit increases are done by our immediate supervisors.

Vice Mayor Kerdyk: We understand there was an issue here.

Mr. Mike Chickillo: The only difference between us and them is, they have me, if they don't get their merit step and raise, I deal with her and the City Manager on that. They really don't have anybody to go to, that's part of that problem, but that's a whole other issue. I don't know what their agreements are and what they were hired under and such, but you know it did set a bad example to do what he did.

Mayor Cason: Thank you.

Mr. John Baublitz: Good afternoon Mayor, Commissioners. First off, I want to thank Commissioner Lago for bringing this up.

Commissioner Lago: Don't thank me. Thank Commissioner Keon.

Mr. John Baublitz: Commissioner Keon thank you, I appreciate it. The message that was sent, President Chickillo brought it up, the timing you could say was wrong, but for my membership,

we are right now in the middle of fighting and we just won an arbitration and we've been taken to court for the first time, I believe, in the history of the City over an arbitration decision, for our merit increases. So I have a good portion of my membership, men and women who have been denied their merit increase that they are entitled to. So there was a very bad message sent to the membership and I believe to the City employees as a whole. People's evaluations are extremely important. It validates the job you are doing and the job performance you are doing. Now I believe in the past, the City Manager used this as a tool to maybe punish people, maybe hold it against certain people, but you have to understand from an employee standpoint when we hear these stories about people not getting their evaluations and not getting their step raises or merit increases, getting reclassified to avoid showing that you gave someone a raise, but that's the way you hide it. It was a very bad time for the employees in this City and the morale. I commend this Commission right now for bringing it up and bringing it to light because that's sending the proper message, that's sending the message that we are going to do things right and I can speak for myself and the men and women of the Police Department that serve this community that we will be fair in negotiations, we will talk, we will attempt to do the right things, but it's nice to see, and I truly believe this that we are going to get the same respect from the other side. I don't believe that for the past 5 years we received that respect, but it's a good sign that show that we are doing that going forward. Again, just not to beat a dead horse, but my membership saw this as a very disturbing issue. It was unbelievable poor timing at best, there possibly were other motives, I don't know what they would be by the City Manager, but that's the perception that will now be to everybody. By having it and bringing it up in front of all of us today, you are making it right, so whatever decision you make today I really like that these people are entitled to their merit increases they should get them, but just by bringing it up in discussion you guys have done the right thing. Thank you.

Mayor Cason: Thank you.

Commissioner Quesada: Where's that list of employees, Vince that you had?- can you pass that down?

Commissioner Lago: I have the actual names right here.

Commissioner Quesada: I just want to clarify one more thing.

Commissioner Lago: Here's a list of the actual employees starting from down here.

Commissioner Quesada: I think the Mayor would want to look at that. Carmen question for you. Cindy Birdsill, I saw where you signed off on hers, OK, and Elsa's as well you signed off on. Did you sign off on Diana Gomez'?

Interim City Manager Olazabal: No.

Commissioner Quesada: Why not?

Interim City Manager Olazabal: I only signed off on the ones that were for exceptional work performance.

Commissioner Keon: They got more than 2.5?

Mayor Cason: These are the only ones to get more than 2.5?

Commissioner Keon: You signed off on the ones that got more than 2.5.

Interim City Manager Olazabal: With discretion.

Commissioner Quesada: So you signed off on the ones that are discretion?

Interim City Manager Olazabal: Right.

Commissioner Quesada: And then Elsa question for you, the ones where discretion is not required, who can approve that increase?

HR Director Jaramillo-Velez: The City Manager.

Commissioner Quesada: The City Manager – so you didn't sign off on Diana Gomez...

HR Director Jaramillo-Velez: Diana Gomez is for October of last year.

Commissioner Quesada: For October of last year.

HR Director Jaramillo-Velez: Right. Maybe it will make it easier if I pass around the e-mail that I sent to Carmen, it explains each one.

Commissioner Quesada: I don't have a copy of it.

Commissioner Lago: Let me ask you a question just for my own edification, what does it matter if it's for this year or for last year?

Commissioner Keon: Well I think the issue is that these people should have been evaluated in October of 2013 and they weren't.

Mayor Cason: So it's retroactive, the 2.5 percent.

Commissioner Keon: It's retroactive to the period where they should have been evaluated.

City Attorney Leen: To remove retroactive raises you would have to find that it was done without authority, so essentially you'd have to find that Carmen had the authority of the City Manager and didn't sign off on them and then she would need to go forward and do the evaluations again.

Commissioner Lago: The only individuals that – there are 3 individuals or 2 individuals that received 4 percent increases?

Commissioner Keon: 3.

Interim City Manager Olazabal: 2, no 2.

Mayor Cason: Human Resources and Economic Sustainability.

Commissioner Quesada: So, I'm sorry, I just want to understand the procedure. Explain to me again, I'm sorry I know you explained it once already, just help me through this. The discretionaries are the ones that Economic Sustainability and Human Resources received meet that approval requirement. The 2.5 merit increase, can you please explain to me that again when they receive that?- what is the trigger?

HR Director Jaramillo-Velez: Let me give you Rule 4.

Commissioner Quesada: 4.3.7?

HR Director Jaramillo-Velez: 4.3.7.2.

Commissioner Quesada: Adjustments may be granted for exceptional employment conditions, the department head must justify the request pay increase.

HR Director Jaramillo-Velez: Do you want me to read it?- or you are reading?

Commissioner Quesada: I'm sorry I was...

HR Director Jaramillo-Velez: I don't know if you want me to read what the criteria are?

Commissioner Quesada: I'm specifically focusing on Diana, Carmen and Jane and Lori St. John. So the raises that they received were pursuant to 4.3.7?

HR Director Jaramillo-Velez: No.

Commissioner Quesada: No?

HR Director Jaramillo-Velez: Pursuant to Rule 7, which is also attached to Rule 4 in the back and Rule 7 is just the performance evaluation and it outlines and it tells you regular fulltime employees are going to be evaluated at least annually and it also mentions at the raise stage.

Commissioner Quesada: So all regular employees shall be evaluated at least annually 7.3; 7.4, each employee shall be evaluated annually by the immediate supervisor using evaluation forms.

HR Director Jaramillo-Velez: So if you look at 7, that gives you the basics, the procedure and then you look at 4.3.1, you have to go back to your Rule 4, that's where it mentions the 2.5 rating or higher in order to get, for it to be satisfactory rating.

Commissioner Quesada: You mean 4.3.7.1.

HR Director Jaramillo-Velez: That's right.

Commissioner Quesada: OK.

HR Director Jaramillo-Velez: 4.3.7.1.

Commissioner Quesada: So there are evaluations that were created for Diana, Carmen, Jane and Lori, is that correct?

HR Director Jaramillo-Velez: Yes.

Commissioner Quesada: OK. And those were prepared by Pat Salerno?

Mayor Cason: The immediate supervisor.

HR Director Jaramillo-Velez: That's right.

Commissioner Quesada: So for those individuals Carmen, I'm assuming it's correct that for Diana, yourself obviously, Lori and Jane, you did not review those evaluations, is that correct?

Commissioner Keon: They don't have to sign off on them, no.

Interim City Manager Olazabal: No...

Mayor Cason: It's triggered by 2.5 percent or higher, automatic?

HR Director Jaramillo-Velez: Automatically 2.5 or higher.

Mayor Cason: Once you get 2.5...

HR Director Jaramillo-Velez: It has to be signed per our Rules and Regs, but yes it's an automatic increase, you don't need – as long as you get the 2.5 satisfactory rating in accordance with the rules you get the increase.

Commissioner Keon: But don't confuse the 2.5 and the 2.5 percent.

HR Director Jaramillo-Velez: That's right.

Commissioner Keon: There is rating scale and on that rating scale 2.5 means that your work product is satisfactory, so then you get a 2.5 percent increase, so anything above – so every employee, all the employees in the City are to be evaluated annually and given that 2.5, if their performance is satisfactory.

Mayor Cason: And if they are not maxed out.

Commissioner Keon: They are not maxed out at the top of their pay scale. So in reality all employees that are not at the top of their pay scale should have been entitled to this. It appears that that didn't happen.

Mayor Cason: And you are going to tell us how many...

HR Director Jaramillo-Velez I will confirm.

Commissioner Keon: That didn't happen. Going forward that can be corrected so that people are given what they are due.

HR Director Jaramillo-Velez: If you look at 7.8, that's the one the rule that mentions that performance evaluations may be done at the discretion of the City upon reaching the maximum of the salary range. In other words it's not required once you reach the maximum of the range.

Mayor Cason: Right, but it doesn't mean you are getting more salary, you just get an evaluation. You should get an evaluation anyway, that's good management practice, and everybody does that.

HR Director Jaramillo-Velez: I agree.

Commissioner Keon: Maybe we can amend that particular resolution or whatever so that everyone gets an annual evaluation that is based on work product and not just on a merit increase.

Mayor Cason: And going forward, you'll come back to us and tell us who has not been evaluated by the former City Manager and should, and we'll find a mechanism to get those people evaluated by the person best able to look at the performance and say, here's what I think it should be; and then we certainly when we talk to the finalists for the next City Manager we want to – this is you will do your evaluations on time, you will try to encourage the employees to remind the Manager and to give him input so that they are on time.

Commissioner Quesada: I want to make a motion. It's not right. I understand and I wish the Vice Mayor was here because a lot of this is based on what he said. I agree with the fact that last week in the ones that Carmen reviewed and approved, and again, I think all of these people did a good job and I just don't like the ambiguous nature of the state that we were in last week. I don't think it's right for the process. So here's my motion; the motion is to – I have no issues with Cindy Birdsill, Elsa Jaramillo, and Carmen Olazabal because Carmen either signed off on them or the only other person to evaluate Carmen was Pat Salerno at the time, but my motion is going to be to freeze the raises to Diana Gomez, Jane Tompkins, and Lori St. John are not effective until Carmen Olazabal reviews the evaluations and signs off on them.

Commissioner Lago: What about the remaining individuals?

Commissioner Quesada: That's the list I have in front of me.

City Attorney Leen: There is also another name Belkys also.

Commissioner Keon: I would like to see Belkys...

Commissioner Quesada: That's the list I have in front of me. So all the individuals that Carmen did not sign off on need to be immediately reviewed by Carmen, their raises are frozen until she reviews them and signs off and says yea or nay as she is our Interim City Manager. That's my motion, I don't know if anyone has any ideas for amendments to that.

Commissioner Keon: I would like you to consider amending with regards to Belkys is that her immediate supervisor...

Mayor Cason: Yes, we agreed.

Commissioner Quesada: My motion is amended to include that language.

Commissioner Lago: And I will second that motion.

City Attorney Leen: As part of that motion you are making a finding then that the Manager did not have the authority to do this.

Commissioner Quesada: I'm making a finding that it was ambiguous considering that we appointed Carmen on Wednesday and the Manager's severance documentation as you represented to me took effect Friday, so therefore there was a conflict, at least in my mind it wasn't clear, so my motion there is a finding that it was not clear and just to be 100 percent clear we are verifying the actions that he took.

Mayor Cason: So we have a motion.

Commissioner Lago: I will second that motion.

Mayor Cason: We have a motion by Commissioner Quesada and seconded by Commissioner Lago.

Vice Mayor Kerdyk: Can I just add to the amendment that it's done on an expeditious basis.

Commissioner Quesada: Yes.

Vice Mayor Kerdyk: That she reviews this.

Mayor Cason: City Clerk

Commissioner Keon: Yes
Vice Mayor Kerdyk: Yes
Commissioner Lago: Yes
Commissioner Quesada: Yes
Mayor Cason: Yes
(Vote: 5-0)

Mayor Cason: So the missing piece now is that you will come back to us and tell us who is not reviewed that should have been. It was on the list that should have been reviewed and then we'll address who the person is that can do that review.

Interim City Manager Olazabal: Yes.

Commissioner Quesada: This is not part of the motion, but it's just guidance is that if Carmen if you can do it today do it today, if it takes you a week, it takes you a week.

HR Director Jaramillo-Velez: Yes, because I was going to run to Finance because in this paycheck the retros would have been effective.

Commissioner Quesada: OK. So Carmen holds the key to that door right now.

Mayor Cason: Thank you very much.

HR Director Jaramillo-Velez: Thank you.

[End: 1:46:23 p.m.]