



## Human Resources Policy Committee Meeting

Monday, Feb. 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT

2 pm, HR Conference Room, 200 Church St., Burlington, VT OR Remotely via

ZOOM: Please click the link below to join the webinar:

Zoom Link: <https://zoom.us/j/94820907375?pwd=ZWdzWk5KTGp5K29vZ1dEd2dLaU9jOT09>

Meeting ID: 948 2090 7375

Passcode: 616429

Present:

Councilor Sarah Carpenter, Chair (SC)

Councilor Marek Broderick (MB)

Councilor Evan Litwin (EL)

Other in Attendance:

Lynn Reagan, HR Acting Director (LR)

Erin Jacobsen, Chief of Staff (EJ)

Meaghan Diffenderfer, HR Administrative Coordinator

Meeting called to order, 2:07 pm by Chair Carter

### 1. Adopt Agenda

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MB moves to adopt the agenda without the tentative executive session

EL seconds

All in favor, motion so moved and adopted

### 2. Approve Minutes

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MB moves to approve the minutes from the 12/2/24 meeting as written

EL Seconds

All in favor, motion so moved and approved

### 3. Public Forum

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None.

### 4. Policy Review

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#### Subject

#### 4.1. Burlington Police Department Press Releases

SC invited Chief of Staff Jacobsen to provide an update on the police department press policy. Included in the agenda packet were two policies: the PPM policy that requires all department heads or designees to confirm with the Mayor's office on press releases, and Departmental Directive 30 (DD30)– a Departmental Directive for the Police Department with detail on BPD should handle its own communications. Additionally there was a copy of the executive order by the mayor on 1/8/25 clarifying those policies. The Chair invited Erin to let us know if there are any updates.

EJ shared the mayor's office has asked BPD to take up the review of DD 30 and to suggest any updates they would like to see made by the end of the month, in order to provide the changes jointly to the Police Commission at their next meeting. The Mayor's Office has also asked that in doing the review, the BPD consider policies of other VT jurisdictions (cities, VT State Police, and International Association of Chiefs of Police, other trade institutions, etc) to take into consideration other policies and past practices. It is then up to the commission to vote on that new directive. While it is not anticipated that Personnel Policy Manual (PPM) will need to be updated, the Mayor's Office will review if the city wide policy will need to be revised. Since the office has been reviewing the press releases issued by BPD, they have provided very few edits, but have asked some informative questions and made light edits. The floor was then opened for committee member questions.

SC asks if any edits are made to DD 30, will that have to come forward to the Council, and if so, would it come forward to this committee prior to the larger council?

EJ clarifies that this falls under BPD and the Police Commission. Edits will be made by those groups and then brought forward to the full Council, not this committee. If there are any impacted changes made to the PPM, those changes would then come forward to HRPC.

SC asks if the communication policies are on the City webpage.

EJ directs to Joe Magee, Director of Communications for the Mayor's Office. She sees no reason why the policies could not be on the website, and there have been no issues with the PPM policy with any personnel or media. Large changes to the DD and PPM are not anticipated.

EL asks if the PPM needs to be revisited to clarify police communications or emergency communication.

SC clarifies her understanding that DD 30 is the clarification since there are so many different layers of communications that come from BPD.

EL asks for clarification on the process of emergency communications (ex – when the public is at risk, like a shooter at large.)

EJ provides clarification on the difference between an emergency communication and a press release. The current practice is time sensitive emergency communications are sent out immediately. If there is a short time frame for emergency communication or press release for review, that turnaround timeline is shared by BPD staff when sent to the Mayor's office for review. It has been a non-issue thus far.

Councilors discuss and point out that clarification to the public on the difference between a press release and emergency communication may be helpful. EJ agrees this is one of the most helpful things councilors can do in regards to this policy.

EL references a Seven Days article where the State Attorney advised that the press releases may violate a "gag order." Councilor Litwin asks if the City is reflecting on the guidelines set forth by the judge and Attorney's Office for DD30.

EJ Agrees and reflects that a lot of the material within DD30 is to be sure that communications coming from DD30 aren't violating any constitutional rights. The Mayor's Office does want to be sure that those guidelines are encapsulated in the policy.

EL asks for clarification that the turn around time set forth by BPD has not been an issue.

EJ shares that the longest time a release was not attended to by their office was by a few hours. It was still reviewed before the press deadline. Reviewing the press releases is split between several members of the Mayor's Office, and no one has reported it being a cumbersome process.

EL asks if there is a template document to follow regarding what can and cannot be presented in a press release.

EJ does not have one at this time, but Ingrid Jonas (Senior Advisor on Public Safety) has been looking into it, as the Mayor's Office has also identified it as a useful tool to have.

EL asks for an expansion on what clarifying questions or modifying information the Mayor's Office has asked when reviewing press releases.

EJ states any changes have been far and few between and very minor. The most recent one was that part of the press release included court release conditions for a drug related arrest. The Mayor's Office has asked clarifying questions around what involves an incident with the police (which can include wellness checks, if the person is a witness, etc.), and they are trying to differentiate instances of interaction versus actual arrests. The end goal is for the policy to be efficient for BPD as well. There are also some tech tools that can be utilized to help generate the press releases.

EJ leaves the meeting at 2:41 pm.

**Subject**

**4.2. Review newly created ADA Interactive Process policy**

LR provides an update on the ADA Interactive Process policy. This policy is cementing the practice that has been in place by the department for years. In partnership with the City Attorney's office, the HR office is creating a clear outline of how ADA requests are being handled. This policy can then be referenced for any public requests or for future use by the HR Department in the case of staff turnover. The policy is for employees who made need accommodation to function in their role. Accommodations may be minor (different keyboard/desk) or larger (private workspace, allowance of a service animal). The HR office maintains confidentiality to every extent they can, but in some cases, need to inform the manager(s). This process is initiated by the employee, and may require sharing medical information or working with a healthcare professional to come up with an appropriate accommodation. The HR Office will then review the accommodation ask to determine if it is reasonable to fulfil. At SCs recommendation, it will be brought forward to the accessibility committee. The next steps for this policy are to be sent to all staff to have 15 days to review before it goes into effect.

EL asks if there is an appeal process.

LR will have to check to see if that would fall under grievance rights. There have not been incidents of appeal. These decisions are not opinion based, but employment law. Determination of a reasonable request is often around hardship on the City (monetarily or the impact on the employee to do their job in full). If an accommodation requires a financial contribution by the city on behalf of the employee, that's when that factor comes into play. If we can keep the individual working, that's what we want to do. We have, for instance, purchased a new monitor. If a request costs thousands of dollars, that's when deeper evaluation may come into play.

SC asks if there is an external appeal process, and if so, if both internal and external appeal processes should be laid out.

LR confirms she will look into it. The appeal could come to HRPC but it would have to be in executive session and in a format that doesn't violate HIPPA.

Councilors ask further clarifying questions around the potential grievance process. SC asks how claims of discrimination are handles.

LR outlines the process: an internal investigation, or external as needed based on what employees are involved in the claim.

## **5. Department Head 360 Evaluation Update**

LR provides updated on the Department Head 360 Evaluation process. There have been some slight changes since the Committee last met. As this is the first time a Mayor has elected to roll out evaluations in this format, there will not be any outside evaluators (including City Councilors and Commission members). It will be strictly a self-evaluation, two peer departments heads, Chief of Staff and Deputy Chief of Staff, and direct reports. The evaluation survey launched on January 31<sup>st</sup> and respondents will have two (2) weeks to complete. All data will go to a member of the HR team who will then compile all data, removing identifying information, and present it to the Mayor.

SC asks how commissions will evaluate department heads as they are tasked to, and if the information will be provided to associated commissions.

LR clarifies this does not replace that process, but is in addition to it. Since the evaluations are confidential, they will not be shared with commissioners.

MB agrees that the format should be kept separately, especially now that commissioners are not appointing the department head. The feedback from staff and commissions are both valuable, but serve

different purposes. If this is under our purview, it would make sense for the HRPC to formalize that process for commissions.

Councilors weighed the options of what if any information would be valuable to be presented to the Council when reappointments come to a vote. They expressed they would feel more well-informed to know how Department Heads are received by staff, since internal and external/public facing communications can be different.

LR will bring this feedback back to the Mayor's office.

## **6. Other Committee Business**

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EL returns to the BPD Press Release conversation to see if there are any follow up recommendations the Committee wants to provide.

SC confirms the follow up actions will be two-fold: a review of DD 30 by the Police Commission which will then come forward to City Council, and if necessary, changes to the PPM will be made which will come forward to HRPC for review before going to Council.

EL brings forward further questions he has, including: what is being submitted by BPD and what are the actual modifications and edits being made to press releases, and if those edits are done in line with the ethical guidelines set forth by the courts/attorneys office or by opinion; if all departments are subject to this policy; if it's only being enforced now because of ongoing litigation.

SC encourages committee members to reach out to EJ directly with their further questions, as she was invited to this meeting to answer the questions during the earlier agenda item. If the Committee would like to ask EJ to join for the next meeting, they may do so. Some of the questions brought forth are not under the purview of this committee, and some of these questions can be reserved for when the policy comes forward to the full Council.

LR confirms that the role of the HRPC is to take on policies and communications that impact the employees, not the public.

The cancelled Executive Session will tentatively be held on 2/25 at 8:30 am to review a final policy.

The next meeting is on 3/17 at 2 pm in the HR Conference Room and via Zoom.

## **7. Adjournment**

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Meeting adjourned by Chair SC at 3:37 pm.

## **8. Informational and Non-Discrimination Statements**

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The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities and employment opportunities. The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements, auxiliary aid, service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Burlington, should contact the office of the Title II Burlington ADA Coordinator at 802-865-7000 as soon as possible but no later than 48 hours before the scheduled event.