

Proposed Work Product Policy Language

For the purpose of this policy, the term “Work Product” shall mean any concept, tool, hardware, software, or other item, developed, written, created, or designed by an employee within the course and scope of, and during the term of, employment with the City of Burlington. This includes not only items that are developed using resources of the City of Burlington or that are saved on City servers or stored on City property, but any item that is developed using resources from any source or that is stored in any location while an employee is receiving a salary from the City, if the item is within the scope of work the employee is being paid to do for the City.

This policy shall apply to all Work Product, portions of Work Product, or derivative works developed, written, created, or designed by employees, within the course and scope of and during the term of their employment with the City of Burlington.

1. Any Work Product produced by an employee within the course and scope of and during the term of employment with the City, shall be owned solely by the City. Employees may recite their development of or contribution to Work Product, as long as the Work Product has not been deemed confidential by the City, or with the written permission of the City’s Chief Innovation Officer.
2. The City is entitled to, as a result of its ownership, continued use of the Work Product solely for the benefit of the City, for a perpetual period of time. No transfer or termination of the City’s interest is valid unless documented in writing and approved by the City Council.
3. The City supports, endorses, and encourages employees to continue the development of Work Product as it benefits the City.
4. Work Product may be used for non-City purposes, such as for personal gain or benefit only with the express permission and at the sole discretion of the City. An employee seeking to use Work Product for any non-City purpose must obtain written authorization from the City’s Chief Innovation Officer for the use.
5. Should the Work Product be used for non-City purposes with the permission of the City, an employee will maintain the confidentiality of any and all information considered by the City to be confidential.
6. The use of open source code and conformance with open source licenses must be approved by the employee’s Department Head prior to its use.

Proposed City of Burlington Relocation Policy for Department Head Appointees

CONTEXT

The recent hiring of the new Police Chief and Fire Chief demonstrated the need to have a clear City policy on City payment of relocation expenses for Department Heads who are required, as a condition of their position, to establish residency in the City of Burlington. The City appears to have followed different approaches at different times under different administrations, so the relocation policy detailed below is meant to clarify the City's protocols and standards for future Department Head appointments and will not apply retroactively to any prior appointments. The proposed policy draws from the State of Vermont's standards for employee travel and expenses.¹

EMPLOYEE ELIGIBILITY

With the prior written approval of the Mayor and the Human Resources Director, Departments may pay or reimburse the moving expenses of new Department Heads who are required to be residents to the City of Burlington, subject to the following requirements:

- The Mayor and Director of Human Resources may jointly authorize payment or reimbursement, up to a maximum of \$5,000 in FY17, for moving expenses. The maximum reimbursement will increase (or decrease) each year July 1 by the amount of the CPI-U for the previous 12 months.
- Written approval to extend this offer to a qualified candidate must be obtained from the Mayor and Director of Human Resources after completion of the recruitment and interview process but PRIOR to an offer being made.
- Sufficient funding to cover the expenses must be within the Department's current budget or the requisite budget amendment must be obtained before the expenses are committed.

ELIGIBLE EXPENSES

Moving expenses are defined as those expenses actually incurred for transporting household goods and personal possessions (may include one automobile if move is of substantial distance) from the employee's former residence to their new residence.

- Typical allowable expenses, include bills from a moving company, truck or trailer rental company, gasoline to power a rental truck or an automobile towing a trailer, labor for professional movers, and miscellaneous expenses such as packing cartons, tape and materials.
- No expense will be paid or reimbursed without a detailed invoice or receipt from the service provider.

¹ This draft relocation policy draws on "STATE OF VERMONT, AGENCY OF ADMINISTRATION, BULLETIN No. 34, EMPLOYEE TRAVEL AND EXPENSE POLICY" from June 2014 and in particular pp. 29 – 30, http://aoa.vermont.gov/sites/aoa/files/Bulletins/AOA-Bulletin3_4-June2014%20%282%29.pdf.

- An employee who is mistakenly paid or reimbursed more than the actual expenses must return any excess amount in a reasonable time.
- The City does not reimburse claims for connection, stopover, second pick up or delivery, storage, or special packing or handling charges.
- House-hunting trips, temporary housing, storage unit rentals, real estate fees, travel expenses of the employee or family members separate from the moving vehicle, loss on the sale of a home or personal possessions, and the labor of those not directly employed in the moving industry (i.e. friends and family) are not allowable expenses and shall not be paid or reimbursed.
- Three bids (estimates of moving costs – for example, by a moving company or by the employee's renting equipment) must be provided in advance to the Director of Human Resources to substantiate the reasonableness of the proposed expense. The lowest bid need not be selected if it can be shown the rates are reasonable and justification is provided for the selection.
- Departments are advised to contact the CAO's Office with any questions pertaining to the tax treatment of moving expenses before incurring any costs.
- Should the Department Head elect to voluntarily leave employment with the City of Burlington after less than 24 months of employment, the Department Head will be responsible for refunding the full amount of relocation expenses paid by the City.



HUMAN RESOURCES DEPARTMENT

City of Burlington

200 Church Street, Suite 102, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

AGENDA

Human Resource Policy Committee

September 27, 2016

**Human Resources Conference Room
200 Church Street, Suite 102
5:30 pm**

- 1) Approve Agenda**
- 2) Discussion of Employee Work Product Ownership Policy**
- 3) Discussion of Department Head Relocation Policy**
- 4) AFSCME Grievance Hearing – Library Group Leader Pay**
- 5) Other Business**

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 or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



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**To: Human Resources Committee
AFSCME**

From: Susan Leonard, Director of Human Resources

Date: September 26, 2016

Re: Grievance regarding payment of group leader pay dated August 2, 2016

This grievance pertains to Article 9.6 of the Agreement between the City of Burlington and Local 1343 of the American Federation of State, County, and Municipal Employees. Article 9.6 clearly articulates that for an employee to qualify for group leader pay, “such assignments must be made in writing and name the two (2) or more crew members not counting the group leader. The group leader’s supervisor must approve the group leader assignment in advance.” Additionally, Article 16.3 states “No grievance shall be processed unless it is submitted: (a) within ten (10) business days after the employee concerned has become aware or should have become aware, through the use of reasonable diligence, of the occurrence of the event giving rise to the grievance.”

I am denying this grievance, as it is my interpretation that ‘group leader pay’ does not apply as indicated in your grievance due to the following facts:

1. As required by Article 9.6 of the contract, the grievant was never assigned by a supervisor, in writing, to be in charge of two or more named employees. This article also requires any such documentation of an assignment to be approved by the group leader’s supervisor in advance of the assignment being carried out by an employee.
2. Pursuant to Article 16.3, this grievance is untimely as it was not submitted within 10 business days after the grievant had become aware or should have become aware, through the use of reasonable diligence, of the occurrence or reoccurrence of the event giving rise to the alleged grievance.



OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE TONI TAGINSKI DEPARTMENT LIBRARY
CLASSIFICATION CIRCULATION MANAGER - 16
WORK LOCATION LIBRARY IMMEDIATE SUPERVISOR RUBI SIMON
TITLE CIRCULATION MANAGER

STATEMENT OF GRIEVANCE:

List applicable violation: [9.6, ARTICLE IX] TONI HAS BEEN SCHEDULED WITH SUPERVISORY DUTIES OUTSIDE HER DEPARTMENT ON THE LAST SIX YEARS SINCE STARTING THE CIRCULATION MANAGER POSITION, WITHOUT APPROPRIATE COMPENSATION. JUNE 2010 AS GROUP LEADER.

Adjustment required: TONI WILL BE COMPENSATED FOR THESE GROUP LEADER PAY DATING BACK 2 YEARS SINCE THE ONSET OF KRONOS TIME CLOCK, TO BE MADE WHOLE.

I authorize the A.F.S.C.M.E. Local 1343 as my representative to act for me in the disposition of this grievance

Date 8-2-16 Signature of Employee Toni A. Taginski

Signature of Union Representative Emu Feeney Title 8/2/16

Date Presented to Management Representative 8/20/16

Signature Rubi Simon Title Library Director

Disposition of Grievance: Request an extension to further review option for resolution. Would agree to pay Group Leader pay without ~~pre~~ prejudice. Prospectively not retroactive.

THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN TRIPLICATE. ALL THREE ARE TO BE SIGNED BY THE EMPLOYEE AND/OR THE AFSCME REPRESENTATIVE HANDLING THE GRIEVANCE.

ORIGINAL TO RUBI SIMON

COPY TONI TAGINSKI

COPY: LOCAL UNION GRIEVANCE FILE

NOTE: ONE COPY OF THIS GRIEVANCE AND ITS DISPOSITION TO BE KEPT IN GRIEVANCE FILE OF LOCAL UNION.

DRAFT

Human Resources Policy Committee Minutes

September 27, 2016

Human Resources Conference Room

200 Church Street, Suite 102

5:30 pm

Called to order at 5:41 by KP

Present: Karen Paul (KP), Chip Mason, Justin St. James (JS), Susan Leonard (SL), Toni Taginski (TT), Emer Feeny (EF), Robert Resnick (RR)

1. **Approval of Agenda**

CM moved to change the agenda to have the AFSCME agenda moved to the first item of business. KP seconded. CM moved to approve revised agenda, KP seconded.

2. **AFSCME Grievance**

CM moved to go into executive session to confer with Attorney, JJ to discuss information related to the grievance, the premature disclosure of which would put the City at a disadvantage in a potential arbitration. KP seconded. Entered executive session at 6:23. Those present: KP, CM, JJ. Came out of executive session at 6:50.

3. **Employee Work Product Policy**

CM moved to recommend approval. KP seconded. SL to take to Board of Finance and City Council

4. **Department Head Relocation Policy**

CM moved to recommend not to make this a policy, but rather a department directive. The purpose of making it a department directive is to allow the administration flexibility to negotiate appropriately on a case by case basis and make the policy broader such as in the case of the currently vacant Library Director position that is not required by charter to live in the City, but may relocate from out of state. KP seconded. Motion approved.

5. **Adjournment**

KP motioned to adjourn at 7:13, CM seconded.

Committee Members:

Karen Paul, City Councilor, Ward 6 – Committee Chair

Chip Mason, City Councilor, Ward 5

Adam Roof, City Councilor, Ward 8