

## Personnel Committee Minutes

Honorable Council  
City of Newark, Ohio  
May 4, 2020

There was a meeting of the Personnel Committee streamed on YouTube via Zoom on Monday, May 4, 2020 following the Capital Improvements Committee with these members in attendance:

Ryan Bubb - Chair  
Mark Labutis Vice-Chair  
Sean Fennell  
Jeremy Blake for Dee Hall  
Jonathan Lang

We wish to Report:

1. Consider **Ordinance No. 20-16** an ordinance setting compensation and stating policy with respect to certain positions within the office of the clerk of the Licking County Municipal Court of the city of Newark, Ohio and repealing all ordinances and resolutions in conflict

**Clerk of Courts Marcia Phelps** – First I want to thank the police and fire chiefs for their presentations and for everything that they're doing. I want them to know that I keep them in my prayers this is a terrible time and I know many of them. I appreciate being here tonight just so I could hear that.

The Chief Deputy Clerk has always been in the previous ordinances when pay increases were brought forth. For some reason there was an oversight this time when it was either, Ordinance No. 19-34 or 19-35 was passed. It included the Deputy Auditor and Assistant Law Director. If you look at the last one Ordinance No. 17-44, it was there. It was supposed to carry over through 2020, however, it was an oversight and was not included. In checking, I was told she wasn't asked to be included in that pay increase request. So, as we reviewed that and moved forward with that positions' salary, we also looked at other positions in the clerk's office. Recently I have lost 5 positions to other City Departments or the Courts because they all paid more money. I can't say that's the only reason they left, but obviously money is important to people, particularly as they get years of service added. That also adds to their retirement. So, I did a detailed comparison of City Departments and the Courts as well as other municipal court clerks in the surrounding areas to Licking County of like size. Delaware and Fairfield are two of the ones that have populations that are similar as well as similar caseloads. Our caseload is rather higher than normal in a given year. So I reached out to those to find out what their pay ranges were. I found out that not only in comparison to other City offices but as well as to other Municipal Court Offices we were below, therefore I presented a package of all things together. I also included in here a pay increase for the Court IT person. That comes with support from both judges. We met and discussed it and we were all in agreement. We're bringing the Court IT person up to the same range as the Newark PD IT person. We are also embarking on an upgrade of a new version to our software package, so with that we'll need an assistant to our IT person. The last time the clerk's office looked at having an upgrade done, they contract hired a

consultant. I don't think it's necessary to hire a consultant at hundreds of thousands of dollars, but to look either from outside or within to find someone with IT experience to be an assistant to our IT person for this conversion.

**Mr. Lang** – Thank you Marcia, I appreciate the background. I'm not totally opposed to raises for folks to get them on par, but I wonder if this is something that we need to address right now in the middle of trying to figure out what our budget's going to look like. Obviously the budget's been set for the year and we're expecting a potential downtick in gas tax money and some other funds that are coming in. Obviously it's a challenging time to add costs to the budget. I just want to get a sense of why we need to do this right now and could this wait till next year.

**Ms Phelps** – I appreciate that. Your points are valid. I've considered that myself. As a former member of Newark City Council and a former County Commissioner, budget issues are of grave concern always, no matter what is going on and the pandemic has made this far worse for all of us and the City coffers. I would probably have waited, but it was advised that while I'm coming to Council for the one position, Chief Deputy Clerk, which I have to do because it should not have been left out, that I should include the others. That started prior to the state of emergency for the pandemic. All of this did. The Chief Deputy Clerk position would be retroactive to the beginning of the year. Because there is no emergency clause on this, by the time it gets through Council, it would probably not be until July that the others would be effective. I don't want to have to wait. I don't think I'm going to lose anyone else because the courts are now fully staffed. Unless someone leaves, which I don't think they will. I haven't seen any openings in any of the other City Departments. Newark PD was a place I lost a person to, Tax Department I lost several people there. I don't want to risk losing any more staff because having 5 new people in the clerk's office is pretty detrimental to the continuity of the office and service. Training people is not quick in this office. We're like anyone else, we're still open. We have not closed. I have staff coming in half one week and the other half the other week because I have to keep a separation of these people in the event they would become exposed. I have to protect the service that has to be delivered. The training is going to be a little slower with those 5 people. I hope I've addressed some points of your question. It's certainly a decision that council makes. I don't come lightly with this. I'm sorry it came so late in the year, after something happened. I wish it could've been earlier in the year. I will say that Law Director Sassen was more than willing to assist me with writing the legislation. Communication was a little difficult trying to figure out how I was going to do this, adding cliff to legislation that's more for the clerk's office not the court. There were criteria I had to follow according to what's currently in the policy and that range scale that Lori Resta helped me with. All of it what a little more time consuming and difficult than I had would have anticipated or wanted.

**Mr. Blake** – Marcia in your comments to Mr. Lang you answered my questions. I appreciate your thoughtfulness in preparing tonight going forward to make sure services are given to our citizens. Thank you for answering his questions as well as mine.

**Ms Phelps** – I will tell you as members of council and the appropriating authorities for the City of Newark's funding, one of the things I'm having staff do is make phone calls to defendants trying to get payments brought in because like everything else, we're down on that. While their time permits, because we are setting up cases even though we're not having regular traffic cases and those things it's only crimes of violence we're having hearings on, but, they're working on the phones. If someone wants to pay by credit card, we're trying to make that possible so we have some funds coming in. I don't want us to see a tremendous drop in those revenues just because we weren't doing what we should.

**Mr. Bubb** – I do understand the concern due to the instability of the budget. Could this be tabled until next year?

**Ms Phelps** – Not for the Chief Deputy Position for sure, for the remainder of things, I assume that would be discouraging for those that are left behind watching some of their coworkers move on to better pay. I don't think I'm going to have people quitting. I just think they would certainly appreciate the recognition for what they're doing. We're not the safety forces but people still come in our office. There is a nervousness about everyone that's exposed obviously. They can't sit at their quiet homes', they have to come to work. They would appreciate the consideration. They would also respect, because I would share with them, the position of Newark City Council. I don't know how you separate out the Chief Deputy Clerk's position though, because she should not have to wait because there was an oversight and she wasn't included.

**Mr. Bubb** – Just for clarification, the folks in these positions other than the Chief Deputy Clerk did not receive a pay raise last year, is that correct?

**Ms Phelps** – Yes, they were included in everything the City does for non-uniform.

**Mr. Lang** – So, they would've received the non -union raises that were given out earlier this year, what percentage would that have been?

**Ms Phelps** – I'm sorry, I don't know.

**Mr. Lang** – That's fine, more importantly though, I see how you're looking at these, the Deputy Clerk position and the other positions as two separate issued. I assume these come out of the General Fund, is that correct?

**Ms Phelps** – That is correct.

**Mr. Lang** – I was wondering what the total impact would be to the General Fund for the Deputy Clerk's position , and then what's the total impact for everyone else?

**Ms Phelps** – I did not calculate that. I did, but I don't have that information with me. I apologize.

**Mr. Lang** – It looks like the Deputy Clerk would be a few thousand, I see those numbers, but I don't see the rest of the numbers there.

**Ms Phelps** – Keep in mind too. We didn't change the table of organization and the number of positions, so, currently I do have 3 open positions of which I do not intend to fill. One is from a person leaving and the other 2 are open. I don't intend to fill them, but I did not want to take them off the table because come next year we may have to put them back on. It's a lot easier to leave them on than to have to add them later. That also was advice given to me. I understand budgets and I will not be filling those positions. For you to ask me what the total cost impact would be for the rest of this year, I don't have those figures with me. I had a spreadsheet, but unfortunately I didn't bring it with me. I could certainly email it to you tomorrow.

**Mr. Blake** – I just wanted to say that I think that at some point council might want to get a brief or update on our income tax collections and find out what exactly is happening with our budget and our revenue. None of us here tonight know that picture. But considering all the recommendations here tonight I would suggest we move it on to council and would go ahead and make that motion.

**Motion by Mr. Blake to send to full council, second by Mr. Fennell.**

**Mr. Lang** – Since we don't have all of the information as to the impact of this, I would suggest we table this until we can get those figures. We spent a lot of time pouring over the raises that we looked at for other positions and I'm not I have enough information to really make a decision on this. I would also suggest that we consider this as two separate matters since we have one that we're trying to make retroactive back to January 1<sup>st</sup> and I understand there is probably a little more urgency with that than there is with the other positions. I'm open to options for that, but I would suggest we amend and separate and then table the ones we don't have the figures for.

**Mr. Lang made a motion to Table, Second by Mr. Labutis**

**Law Director Sassen** – Are you looking to table the entire ordinance or are you looking to table a portion of the ordinance?

**Mr. Lang** – think we should table the ordinance. I guess procedurally I guess if we could move forward with the Deputy Clerk position and vote on taking that to council, I don't have an issue with moving that along and letting full council weigh in. I would at least like to table the raises for everyone else, if we could do that.

**Director Sassen** – As a procedural matter, you can do that if we have a motion to separate the question of Deputy Clerk position from the other. Then you can vote on one.

**Motion by Mr. Lang to separate the question of Chief Deputy , second by Mr. Labutis**

**Motion to separate passed by a vote of 3-2 (opposed were Mr. Blake, Mr. Fennell)**

**Motion by Mr. Lang to Table remaining positions until more information can be presented, second by Mr. Labutis**

**Motion passed by a vote of 3-2 (opposed were Mr. Blake, Mr. Fennell)**

**Mr. Marmie** – I now there was a motion on the table, part of it's been tabled and now you're voting on the separation. One question I have is that you were saying you were given advice. One of the pieces of advice you were given was to put this all together. I wondered who was giving you this advice to bring them all forward now.

**Ms Phelps** – I worked closely with Lori Resta to get the grid, as she calls it, put together. Then once we finalized that grid which was somewhat cumbersome, then sending that along to Director Sassen, which was a smooth sail as far as him putting together the rest of the ordinance as it was presented tonight. I think the hang up was with who was supposed to help me with that, as an elected official, I knew what I wanted, it was just, who was supposed to help me. It was between Lori and HR because there were some job descriptions that had to be added as a requirement I had to re-write the job description for Cliff because they said they didn't have anything to be attached to this legislation. It was just a trying time as best as one could say. If I ever did that to anyone on Newark City Council as part of the administration I would be unhappy with myself. I didn't think it was that difficult. That's all I'm going to say about that.

**Mr. Marmie** – One thing that I would ask is that I would want a full copy of the analysis you had done with other cities. We've done that with various positions. We need more than just salary, we need to know the full benefit package as well because those are usually different. The City of Newark's are usually richer, especially when we are comparing to say, Fairfield County and things like that. Those also have also been taken under consideration, so I would want a copy of what you found out there too please.

**Ms Phelps** – I will get what I can. But, as for them disclosing it to me, it's been difficult at best to get answers. Earlier this year when I was starting this whole process and now even more because everyone's in a mode of how do we manage court instead of, let me answer that question for Marcia Phelps over there. I'll do the best I can. Comparing salaries was the easiest, but trying to go with the benefits too is probably going to be a bit more difficult. I'm just sharing with you upfront. I'll do what I can.

**Mr. Marmie** – Right. And you know it's difficult to support when we've denied other positions and we've seen higher salaries in other municipalities and we've denied those. As recently as within the last few months we've done that.

**Ms Phelps** – Which ones were those?

**Mr. Marmie** – Well, the Clerk of Council we did that.

**Motion to move position of Chief Deputy Clerk on to full council passed by a vote of 5-0**