

In Praise of Mississippi's Municipal and County Employees

I'd like to take this opportunity to sing the praises of Mississippi's elected municipal and county officials and all of the employees that keep local government running. Most people don't become elected officials for the money. Nor do they hire on with a county or municipality to get rich—quickly or slowly—since public sector employment compensation is based upon local tax revenue and the amount the governing entity can afford to pay. That said, let's assume that Mississippi's municipal and county employees understand the importance of providing services to their local communities.

It's easy to overlook, even forget, the value public servants add to our daily lives: protection, as represented by local law enforcement, fire protection, and the courts; emergency services; planning (zoning, codes and ordinances, and enforcement) licensing; record keeping; economic and community development; voter registration; electric and water utilities; trash and rubbish removal; animal control; road maintenance; parks and recreation; and personnel management.

And personnel management...

And personnel management—the phrase is said so off-handedly that we forget how complicated it is to coordinate the legalities of employing a workforce. Personnel management, human capital, and human resources (HR)—all get bantered around to describe the process of coordinating a complex employment system. Human Resources is a cradle-to-

grave documentation process for each employee encompassing the interview and offer; orientation; assurance that new hires understand and internalize their duties; conducting job evaluations; assisting department managers to foster long-term employees through delegation of additional responsibilities; coordinating promotions; addressing inequities; and remedying conflicts in tandem with the coordination of employee insurance benefits for health, dental, vision, life, disability, and long-term care. Human Resources processes the paperwork for every child born and added to an employee's coverage; every address change; every grievance, counseling session, and termination; every retirement contribution, submittal, and completion. It's the maintenance that keeps the engine running smoothly.

Human Resources Management—
it's a staggering amount of work.

Many municipalities and counties don't have an HR department, instead relying on the City Clerk or County Administrator to coordinate the details of bringing new hires on board. When a department head has a vacancy, the first thought might be, "Oh, so-and-so needs a job and can do that... We'll hire them..." *Not so fast.* Public sector hiring stipulates a particular process involving: advertising the position competitively; determining that the qualifications (as described within the job description) are met; considering in-house candidates for advancement; avoiding the perception and/or reality of nepotism; pre-screening for applicant felony convictions; protection of applicant confidentiality;



etc. Deviation from the process can result in law suits for unfair hiring and employment practices. Human Resources dots the “I’s” and crosses the “T’s” to ensure fairness in the process, as well as avoiding unnecessary litigation. In the case of the City Clerk and/or County Executive, that’s in addition to coordinating all of the other responsibilities of running the City and/or County. Please bear in mind municipal employment rosters range in size from the Mayor, Board of Alderman, and a part-time clerk to the Mayor, Board, and a hierarchy of department heads and clerks with oversight of hundreds of employees. Most Mississippi HR departments have two to three employees for as many as 400 employees. Not to be a broken record, but it’s really a staggering amount of work. Here’s some insight into the human resource management process and the many ways HR keeps us out of trouble.

Hiring— the Search for the Best Available Applicant

The Job Advertisement

Open positions are publicly advertised in order to recruit the best available applicant for the existing position. To ensure in-house opportunities for advancement, current employees are advised of and may apply for job openings. The goal of the advertisement is to hire the best available applicant.

When a department has a vacancy or creates of a new position, the department head considers all of the qualified applicants, intent on selecting the best applicant based upon: work experience; appropriate educational background and/or training; interview performance; job-related performance tests; work references; and veteran’s preference. The City Clerk or County Administrator undertakes an investigation of the preferred applicant(s) credentials, and upon verification, presents the recommended candidate to the Board (of Aldermen or Supervisors, respectively) for consideration. The hiring decision made by the Board is reflected in the minutes.

Employment offers may be contingent upon successful completion of criminal background checks, certification and education verification, credit and/or reference checks, and other various

employment related testing. When information is verified, a candidate will receive a final offer. All documents associated with the application, investigation and hiring of an employee should be contained within the individual’s comprehensive personnel file in the office of the City Clerk or County Administrator. Remember, that’s *should be contained...*

The Job Description

With everything else that’s to be done running a municipality or county, job descriptions may be old, very old (written 20 years ago), mislaid, or lost forever. There are those who see no reason for concern in not having descriptions on file since turnover is non-existent, and everyone knows what he or she is doing. Can you hear the collective sighs of City Clerks, County Administrators, HR and Benefits Managers/Clerks, saying, “If only life were that simple...”? Job descriptions are the foundation of the hiring and retention process—the linear progression of recruitment, candidate selection, compensation, and performance evaluation that define a career.

Job descriptions define the position’s role and/or function within a municipality or county, and set forth qualifications, requirements, and key responsibilities. In order for a candidate to understand the responsibilities of the position, the potential employer must determine the educational and training requirements, duties and responsibilities in order to hire (and later evaluate) the most qualified candidate.

When an employer understands a position’s requirements and responsibilities, compensation is based upon qualifications and performance. An employee that has been briefed on performance expectations and presented with clear goals acclimates easier to the job. Defined expectations include: a summary of experience, knowledge, skills and abilities required; a detailed list of key duties and responsibilities; an overview of the corporate culture and/or values (cooperative, team-oriented, flexible, non-threatening behavior, etc.); and any special working conditions or minimum physical

requirements.¹ A formal HR department maintains the job description, coordinates the advertisement, interview scheduling, applicant vetting, and employee file.

The Employee File

Remember when I said *should*? If human resources tasks are divvied up among several people, the chances for error and/or lost documentation increases. Imagine employee hiring, evaluation, promotion, and benefits—both health and retirement—split between individuals in two positions who don't share information because "they don't get along." That's a situation fraught with possibilities for mistakes to the detriment of the employees, as well as opening the door for indefensible grievances and lawsuits filed for discrimination, workers compensation, or worse— wrongful death.

Employee files are important; they are confidential, and tell the story of an individual's tenure with a City or County. It is a record of the employment process, and begins Day One, the hire date. The file contains: the job description; resume and/or application; employment offer; IRS Form W-4 (the Employee's Withholding Allowance Certificate); acknowledgment of the receipt of the employee handbook; performance evaluations; employee benefits forms; emergency contacts and next of kin; complaints from customers and/or coworkers; performance awards or citations; attendance records; training certifications; warnings and/or other disciplinary actions; employment-related contracts, such as a non-compete agreements; and the exit interview in the event of the worker leaving employment or being terminated; unemployment documents; insurance continuation forms, etc.²

Again, sloppy record keeping, lost documentation, and "I don't know where it is..." do not hold up in court as a defense against a legal action. Despite the tendency to under value administrative functions like human resources management, it is an extremely important component of running any business, as well as a local government. Without service providers, both cease to exist.

The Employee Handbook

Contained within the Job Description and the Employee Handbook is information less easily refuted when an employee challenges a disciplinary action or performance review, files a grievance, questions not being promoted, etc. The job description and the Employee Handbook provide guidance for the governing entity regarding hiring decisions, HR staffing strategies, department head subordinate supervision, and employee performance. Documentation is essential to defending one's position and making one's case. The US Department of Labor turns a deaf ear to the excuse, "We didn't know."

It's HR's job to know—even if the City or County doesn't have a formal HR function. Human Resources is often divvied up among the City Clerk and the Payroll/Benefits Clerk(s). Those clerks may be taking payments and answering phones in addition to making sure the City or County is in compliance with Federal employment law.

Mississippi Code Annotated allows County Elected Officials to have their own department handbooks in lieu of using the County Handbook; however, the Board of Supervisors can vote to select the County-vetted handbook for use. Department handbooks are most often seen in the Sheriff Department, and Chancery and Circuit Courts, or Tax Assessor office. Bear in mind that department handbooks must remain updated and compliant with employment law. Should an employee successfully file suit against a department using its own handbook, the County retails legal liability and responsibility for any monetary awards.

The Employee Handbook provides a roadmap for both management and the workforce. Between the covers of an up-to-date handbook are protocols and suggestions for addressing workforce management issues ranging from reporting sexual harassment to preventing real or perceived conflicts of interest, the limits of on-the-job political activity, to employee expectations of privacy. Employees and managers have at their fingertips policies addressing social media, personal conduct, dress code, fraternization, etc., as well as information regarding safety, benefits, raises, leave, and garnishments.

¹ Why You Need Job Descriptions. Go2HR.com < <https://www.go2hr.ca/articles/why-you-need-job-descriptions>>

² What to Keep in a Personnel File. NOLO.com < <http://www.nolo.com/legal-encyclopedia/what-keep-employee-personnel-files-30240.html>>

Compensation & Benefits

One of Mississippi's municipalities and counties bigger worries is determining if local pay is competitive enough to retain workers. Both entities want to maintain a stable workforce because it is the best way to assure consistent, quality delivery of public services to local residents. Another concern is the discrepancy between new hire salaries and the existing wages of long-term employees. Real or perceived wage inequity can impact employee morale and performance. Employer expenditures for employee appreciation are forbidden by the Mississippi Code Annotated. At the County level, any employee appreciation gesture or event comes out of the pockets of the department heads. Incentive plans (or career ladders) only apply to departments with a hierarchy of positions for employees to advance.

Consistently support positions including laborers, maintenance workers, and administrative positions are lower paid with little opportunity for advancement. On the plus-side, the pay is steady and the benefits, particularly health insurance, are good. If an employee takes into consideration the cost of benefits—health, dental, vision, life and disability insurances, as well as the cost of medical services after the deductible—they can appreciate the fact that they are covered for emergency and chronic health issues without facing financial ruin. Health insurance is a rapidly changing market, especially in light of the difficulties and controversies that have occurred as the Affordable Care Act, or Obamacare, has been implemented.

The Affordable Care Act, with its mandate for employee provided insurance coverage for businesses employing more than 50 employees, has prompted smaller entities, including municipalities, to entertain the idea of dropping employer health insurance, awarding raises, and opting to have employees enroll in the healthcare marketplace. However, upon further investigation, the cost of individual health insurance can vary widely. As providers drop out of the Health Insurance Exchanges, the rates have started to climb. The loss of health insurance with the additional burden of finding, enrolling, and maintaining documentation

coverage is not something a small town municipal employee will want to take on gladly. Workers with families will start to seek other employment. It's one thing to think you're underpaid, but another to know your family has limited and expensive health coverage that is entirely your responsibility—from coverage selection to writing the check for the monthly premium.

Mississippi's municipalities and counties administer health insurance plans, relieving employees of the burden of monitoring benefits, making changes and paying the bills, as premiums are paid by the employer, or automatically deducted from each check. Providing employee health insurance continues to be a very effective recruitment and retention tool for local government. Knowing one's family has health care and survivor benefits is extremely attractive to a worker.

It All Comes Together

Even though many, if not most, Mississippi municipalities and counties don't have a formal HR function, there are conscientious employees operating with limited resources and trying to make sure local government remains in compliance with employment law.

Mayors and County Executives are concerned that they treat their employees fairly, as well as follow both the letter and intent of the law in hiring, promotions, compensation equity, and proper terminations. Mississippi's local governments value their employees, and are aware that compensation may not be as competitive as in other areas.

As such, Mississippi's cities and counties look for ways to identify and remedy inequities, investigating possibilities and alternatives, while making the best choices for their people. In Stennis' work with Mississippi's local governments, we see dedicated professionals working to maintain and improve the quality of life for workers.

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