



Richland County Council

EMPLOYEE EVALUATION OVERSIGHT AD HOC COMMITTEE

November 21, 2019 – 3:00 PM

Small Administration Conference Room
2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair; Paul Livingston, Joe Walker and Chakisse Newton

OTHERS PRESENT: Michelle Onley and Leonardo Brown

1. **CALL TO ORDER**

The Honorable Bill Malinowski

Mr. Malinowski stated, for the record, Ms. Newton and Mr. Livingston have been as members of the committee

2. **ADOPTION OF AGENDA** – Ms. Newton moved, seconded by Mr. Livingston, to adopt the agenda as published.

Ms. Newton stated she would assume there are some actions that would come out of this meeting. She inquired if those items would automatically be included under the “Intent and Charter” or would we need to add something additional.

Mr. Malinowski stated it is an organizational meeting; therefore, anything discussed/requested would be included under the “Intent and Charter”.

The vote in favor was unanimous.

3. **ELECTION OF CHAIR** – Mr. Walker moved, seconded by Mr. Livingston, to nominate Mr. Malinowski for the position of Chair.

The vote in favor was unanimous.

4. **INTENT AND CHARTER OF THE AD HOC COMMITTEE**

Ms. Newton recommended:

- a. Setting clear standards for employee performance that everyone understands (i.e. employees and Council)
- b. Creating a mechanism that regularly measures against those objectives to make sure that they are being done
- c. Making sure that we are acting as managers, of the employees that report to us, as opposed to those employees having to manage themselves
- d. Making sure that what we put together can be implemented, given the nature of the body

- e. Providing visibility for Council into what our employees are doing, so we can provide feedback
- f. Positioning the Internal Auditor role to be effective

Mr. Livingston inquired if Ms. Newton's recommendations included a schedule for evaluation.

Ms. Newton stated it was not explicitly said. What she said was to create a mechanism that regularly measures against said objectives.

Mr. Walker inquired, of the County Administrator, if he had seen evaluation committee, in his previous life, and/or evaluation mechanisms that work well in a Council-Administrator, Council-County Attorney and Council-Clerk role.

Mr. Brown stated normally it depends on what the Council will do. You have Council members who will say, "I am not going to participate. I am going to tell you if I have a problem with you, and that is how I communicate." Although, they do participate in the larger evaluation process. Whereby they will have a document and/or form where they have highlighted general outlays of what they expect. Then, Council as a body will communicate those areas of concern and/or performance. There is some method of communication both in writing, in terms of scoring, but then you will have Council members who do not behave that way because they have never really managed people, so they will just say here is how I feel about you. The other people, who are interested, will generally pitch it.

Mr. Walker inquired if there is standard evaluation program out there (i.e. Association of Counties).

Mr. Brown stated the ICMA will have something.

Mr. Malinowski stated we tried to create evaluation forms. We hired outside, independent consultants to do that. We did have one, but it got lost in the shuffle. We tried to do it again about 1 ½ - 2 years ago, and that did not go anywhere. One of the problems that we found with evaluating Council employees was getting the Council members to follow through. For the handful that did follow through, they had push back from the Council members that did not follow through.

Mr. Walker inquired if there was a committee or was it done as Council as a whole.

Mr. Malinowski stated he believes it was as Council as a whole.

Mr. Livingston stated the only thing the committee did, at that time, was to compile the form. It was not a committee to talk about what we are talking about now.

Mr. Walker stated, in response to his question, it was said that certain Council members have a certain style versus those that have never managed people having a certain management style. For clarification, is this committee intended to eliminate that, and create a single point of reference for employee evaluations, or are we simply an information collection committee that passes it on to the whole of Council, and they do with it unilaterally as they please. He inquired if the committee is the counseling mechanism now.

Mr. Livingston stated he thinks the committee will still have to make recommendations to Council.

Mr. Walker inquired, if that recommendation will be presented, voted upon, and passed back down through committee, and the Chair executes on behalf of Council. He wants to understand the communication flow.

Mr. Malinowski stated he believes Council members need to evaluate the employee, and then a representative of the committee approaches the individual with the results.

Mr. Walker stated he would appreciate this committee more if it were going to function as the single point of contact for counseling our employees. He thinks one of the issues Council faces, and one of the impetus for this committee is when you have 11 different ideas, 11 different thoughts on performance, from 11 different directions, it is inefficient, and it is a tough environment to work in.

Mr. Livingston stated you have to consider them all though.

Mr. Walker stated you can consider them, but they need to be channeled back through this new communication device. If not, there is no purpose for this committee.

Mr. Brown stated his experience has been exactly what Mr. Walker is saying. He stated you have the independent ability, as the individual member, and what happens is the body will say we do not want to make this a contentious issue. What he has seen happen is, an evaluation is done in writing by some group, other people then vocalize, "Well that was not my opinion." Therefore, you are not having the continuity that you are trying to establish. From his perspective, if he had 5 Council members that were not in the majority on a decision, and say "We have concerns about this area." He is not going to ignore those concerns, and say, "Your vote did not carry." What he is trying to do is further all of the good that needs to be done, regardless of the perspective. What you are saying is a reality of what happens in government when it comes to the Administrator-style role because you have those independent people. If they disagree with you, and vocalize that, it makes the whole process seem unnecessary, but it is still necessary. He stated he would take the criticism, or praise, and would behave in a way to ensure their concern was addressed. It is going to be very difficult, unless you operate differently, for a different result, in his experience.

Ms. Newton stated we have to operate in two plains simultaneously. We have to say this is what we think is the best process to achieve our objectives, and then we have to keep in mind the reality in which we live. The reality in which we live is, the people that are not on this committee, are going to always voice their opinions, so how do we structure this process that maintains the integrity of what we are trying to do, but also takes into account this is going to happen. To the point of best of practices, that is one of action that she would like to see come out of this meeting. Whether it is from ICMA or inquiries of Council members' peers. She inquired, if anyone definitively knows, if helping with Mr. Brown's evaluation process was included in the scope for Find Great People. She has heard that it was discussed, but she does not know if it was paid for. If it was paid for, she would like for them to give Council the help that was paid for. If no one knows definitively, she can ask because she has a relationship with the vendor.

Mr. Malinowski stated he had an attorney's firm volunteered to speak with him about creating some type of evaluation forms. It was brought to Council, and it was shot down because they wanted Procurement to get involved before the firm was hired.

Ms. Newton stated, if evaluation assistance was not included, she could find out how much they would charge to assist the County.

Mr. Livingston stated he wants to make sure the committee members have the best information, as it relates to the job duties and responsibilities of each of the employees.

Ms. Newton stated she does not know if the County Attorney has a job description, or if there is only a charter.

Mr. Livingston requested similar descriptions from other counties, so we can compare.

Mr. Walker inquired if it is going to be the role of this committee to recommend terminations.

Mr. Malinowski stated he would think it should be the role, and should be done during Executive Session, as a Personnel Matter.

Mr. Walker inquired if a Council recommendation for a termination have to come to the ad hoc committee before being acted upon.

Mr. Livingston stated the committee should make a recommendation, and then it be approved by Council.

Mr. Walker stated we could preclude an event from happening like last time.

Mr. Livingston recommended drafting some rules, to be presented to Council for approval, so if something comes up, we can head it off.

Mr. Walker inquired if somebody put forward a motion, and the majority of Council voted, to buy 200,000 sq. ft. at Columbia Mall, would that, by rule, have to go to a committee.

Mr. Malinowski stated it should go forward as a motion.

Mr. Walker stated, for clarification, even if it was presented under an action item on an agenda.

Mr. Malinowski stated, if it relates to the item being discussed, it is already an action item on an agenda, then pretty much anything goes.

Mr. Walker stated he was wondering if that precedent is already out there for that type of item to have to be pushed down to committee, and then returned, with a recommendation.

Mr. Livingston stated we could, for this committee, that certain things would be referred to the committee.

Mr. Walker stated that is where he was going. Is there a precedent out there for us to say, even though somebody puts forth a spur of the moment, midnight termination motion, is there a way, at that moment, force that motion to the committee.

Mr. Malinowski stated, as long as we have it written down as a rule, he would say yes. He stated there is precedence, for other matters, where someone has tried to get something done at that time, and it has been stated that it needed to go to a committee, according to Council Rules.

Ms. Newton stated one of things she would like to see is management training because we all have different professional backgrounds. Some of us have managed more people, less people, and some have never managed people. Also, just because you have managed people before does not mean you have managed them well. Her impression is there might be resistance to that idea. If we think there is merit, there might be some way to do it, to make it palatable. As an organization, there is some flagrant HR violations that happen at every level, and setting a better example from the top would benefit everyone in the organization.

Mr. Malinowski stated, in his recollection, that the Association of Counties offers this type of training through their Institute of Government classes. There is training for the Chair and Vice Chair that relates to management. He stated we can contact the Association of Counties and see when those classes are offered.

Ms. Newton stated we could, but as a person that is going through the training program, the quality of those courses are hit and miss. For her dollars, she would not want to trust the importance of that function to something of varying quality.

Mr. Malinowski inquired as to how we know someone we hire will be any better.

Ms. Newton stated she thinks that you do the process like you do other places, in terms of reference, etc. Whenever you do group trainings you have variables, and quite frankly, she is even open to what the structure is. She is advocating for us expanding our skill set in that area, and she is open to how we do it, and would love feedback on how we might accomplish that. If we were better managers, and set better management precedence for our staff, we would save hundreds of thousands of dollars a year in lawsuits, which are more than litigating management items.

Mr. Malinowski stated many of our lawsuits are not the management, but the lower employees.

Ms. Newton stated there is a culture of good management that starts at the top, and moves through. She is not saying that we, as Council, cause a lot of lawsuits, though certainly there have been 1 or 2.

Mr. Livingston stated he thinks we can tie something to the evaluation process, or even recommend certain types of training before we get that process.

Mr. Malinowski stated he would like to see the following items for discussion at the next meeting:

- a. Best Practices;
- b. Richland County Job Descriptions/Duties (Attorney, County Administrator, Clerk to Council and Internal Auditor);
- c. Job Descriptions from Other Counties;
- d. Management Training;
- e. Rules Re: Termination Recommendation(s); and
- f. Evaluation for County Administrator (i.e. Finding Great People)

Ms. Newton stated we will also need to formalize the charter and objectives for this committee.

5. **ADJOURNMENT** – The meeting adjourned at approximately 3:32 PM.