From: Jaime Matthews <JMatthews@ashevillenc.gov>
Sent: 10/21/2013 1:58:47 PM
To: councilgroup, 'Gwen Wisler', 'John Miall', 'Jonathan Wainscott', 'Mike Lanning'
Cc: Gary Jackson
Subject: FW: Information Requested

Mayor, Council, and Council Candidates,
Please see information below related to a request for information.
Thank you,
Jaime

From: Kelley Dickens
Sent: Monday, October 21, 2013 12:53 PM
To: Gary Jackson
Subject: RE: Information Requested

Gary,
This matter relates to the City's practice surrounding leave accruals. At one time accruals were based on shift schedules (8 hrs, 10 hrs, 12 hrs, etc.) which after evaluation created inequity amongst City employees. We had groups of employees working the same number of hours per year, but with different amounts of leave accrued on an annual basis
(Example: an employee working four 10 hour days earned more leave than those working five 8 hour days even though on an annual basis they both worked 2080 hours)
When the City made a change the leave policy in 2007 and began using the annual scheduled hours for accrual calculation purposes, current leave balances were recalculated and balances were adjusted accordingly.

The bullet points below provide a more detailed summary of facts.

- 7/1/1990 – the City changed its Annual and Sick leave policy to so that the accrual rate was based on the number of hours worked in a shift. At each change in shift, an employee's accrued balance would be adjusted to reflect the new shift work. At retirement or termination, the shifts were converted to 8 hour shift for vacation payout and sick leave when reported to LGERS.
- This Accrual methodology (based on shift hours) created discrepancies in number of hours earned annually for vacation, sick and holiday for employees that were scheduled to work the same number of hours per year. The discrepancies ranged from 42 to 104 hours per year.
- Effective 1/1/07, the City changed the Annual and Sick Leave policy to accrue based on annual number of hours scheduled per year. All Accrual balances were adjusted with this change which resulted in some balances being reduced, primarily with officers working in Patrol.
- A grievance was filed by at least one officer, Holly (Butch) Oxner. The Grievance did rise to the City Manager level and you responded to Mr. Oxner and his attorney December 2007.
- I am not sure this matter went to the Civil Service Board (the records from the Civil Service Board from 2005 – late 2009 are sporadic but I didn't find any minutes or files indicating they heard this matter). I've reached out to our outside counsel who handled the litigation to see if her records may provide information on this.
- I am unsure if other active or retiring police officers filed grievances but know that the lawsuit was filed in 2/2010 and listed Holly Oxner and Forrest E Weaver individually and on behalf of all similarly affected retired or active COA officers.
- The lawsuit settlement removed all changes in shift calculations (both positive and negative) that occurred between June 1990-1/1/2007 for Officers employed between 6/1/1990-2/29/12 that were still actively employed or were terminated or retired between 2/6/06-2/29/12.
- Active and terminated employees received lump sum adjustments to their sick leave balances between April-June 2012.

Let me know if you have questions or if something is unclear.

Kelley C. Dickens
Human Resources Director
City of Asheville
Phone: 828-259-5682
Fax: 828-259-5479
Kdickens@ashevillenc.gov

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From: Gary Jackson
Sent: Friday, October 18, 2013 1:16 PM
To: Kelley Dickens
Cc: Jaime Matthews; councilgroup; 'Gwen Wisler'; 'John Miall'; 'Jonathan Wainscott'; 'Mike Lanning'
Subject: RE: Information Requested

Kelley – Just to clarify, what was the actual cause of action? Was the lawsuit to reinstate a benefit that was taken away? Or, was this a settlement of a dispute over how payroll calculations of sick leave should be made. My recall of this is dated, but seems like there was a civil service board ruling that influenced how the sick leave was calculated. Was this the case, and how long ago was that? Please verify if you can whether this was a difference of interpretation about how sick leave should be recorded for employees working atypical hours and schedules? Gary

From: Jaime Matthews
Sent: Friday, October 18, 2013 8:35 AM
To: councilgroup; 'Gwen Wisler'; 'John Miall'; 'Jonathan Wainscott'; 'Mike Lanning'
Cc: Gary Jackson
Subject: RE: Information Requested

Mayor, Council and Council Candidates,
Please see responses to a request for information below.
Thank you,
Jaime

Could you please provide the group with the following information.

There was a Federal Law suite filed by members of the Asheville Police Department a couple of years ago reference to the city taking away a benefit (earned sick time).

1. Provide the name of law firm the City of Asheville used to represent the city. McGuire Wood & Bissette, PA. File then transferred to Ward & Smith, PA when primary attorney changed firms.

2. The cost to hire the law firm including any fee and or payment associated with the law firm ? Total legal expenses $124,604.11.

3. The cost and or any fees the City of Asheville had to pay the attorney representing the Asheville Police Officers ? $32,500

From: Mike Lanning [mailto:electmikelanning@yahoo.com]
Sent: Wednesday, October 16, 2013 11:56 AM
To: Jaime Matthews
Subject: Information Requested

Hey Jamie,

Could you please provide the group with the following information.

There was a Federal Law suite filed by members of the Asheville Police Department a couple of years ago reference to the city taking away a benefit (earned sick time).

Could you please provide the group with the following.

1. Provide the name of law firm the City of Asheville used to represent the city.

2. The cost to hire the law firm including any fee and or payment associated with the law firm ?

3. The cost and or any fees the City of Asheville had to pay the attorney representing the Asheville Police Officers ?

Thanks

Mike Lanning