*11/8/2016*

Training Assignment

Please read. Be ready to discuss during the session. Do you see the possible violations of the CMPA

§ 1-617.04(a) (1) (2) (3) or (4)?

John has recently been appointed as Director of the Office of Council Oversight.

This is a new city office that was created to oversee all personnel and administrative matters for the City Council. The City Council was very interested in increasing its oversight of the City’s executive departments. This new office is designed to assist the City Council in being responsive to the citizen’s complaints and suggestions that come to the various Council members.

The office staff is comprised of a Director, Deputy Director, Administrative Officer, a supervisor, five investigators, two lawyers and three clericals.

In order to get a fresh look at the Executive Branch, the statute creating the office provides that the employees of the new office will be appointed by the Director and they are forbidden to be members of a labor organization. They are, however, to be covered by the same personnel, budget and salary system under which executive branch employees work.

John is a very good administrator and he wants to be sure that the employees in his department feel that they have a say in how it operates. So, he has prepared a questionnaire asking employees how they would like to see the office operate. The questionnaire says:

1. Would you like to have a work at home option?
2. If you can’t work at home all the time what is the minimum number of hours in a 40 hour week that you think work at home should be permitted?
3. If you are required to come to the office, would you like to have an alternate work schedule (AWS) option, eg. Flex time, 5-4-9 or 4-10 work schedule. If so, which one?
4. How much funeral leave should office employees have each year?

John has appointed a committee of employees to receive and process the responses to these questionnaires. They are to tabulate the results and then present them to John for discussion. He has assured the committee that he will be greatly influenced by the results of this survey but that he also wants to have the committee’s thoughts about how the office should operate.

Frances is an Investigator and is one of the new staff members. She was not chosen to be on the committee and she comes from a very pro-union background. Stated simply, she is angry that she can’t be a union member and work for the office and that she was not selected for the committee. She has been quite vocal about her feelings.

When John hears about Frances’ unhappiness, he calls her into his office and asks her about her feelings and about whether she has talked to others about how she feels. When she tells him she has, he asks who she has talked to. She tells him it is none of his business and storms out of the meeting.

John is angry and has decided to get rid of Frances. So, before her probationary period ends, he fires her for rudeness in leaving his office without permission and for poor work performance.

He then sends an email to the staff advising them of what happened and why he let Frances go during her probationary period.

Frances is a neighbor of yours. She has heard about 2nd Tuesdays and knows you have attended the sessions. She wants to know what she can do about what happened to her and asks your advice as to whether Henry’s behavior is legal.

What would you tell her? By the way, Frances is one of those people who wants to know everything, so please be prepared to give a full response to her.