



# TEXAS PUBLIC EMPLOYER LABOR RELATIONS (TXPELRA) ANNUAL WORKSHOP

February 1, 2017

Co-Sponsored by

Texas Public Employer Labor Relations Association (TxPELRA)  
and Texas Municipal Human Resources Association (TMHRA)



# 31ST ANNUAL CIVIL SERVICE WORKSHOP

February 2-3, 2017

Sponsored by

Texas Municipal Human Resources Association (TMHRA)

# FINAL PROGRAM



Embassy Suites San Marcos Hotel, Spa and Conference Center  
1001 E. McCarty Lane  
San Marcos, Texas

# TXPELRA ANNUAL WORKSHOP

## Wednesday, February 1, 2017

8:30–9:30 a.m. • Ballroom Foyer

### REGISTRATION

9:00–9:15 a.m. • Veramendi E

### WELCOME

TxPELRA President **Harold R. Cates**, CPM, SPHR, SHRM-SCP, HR Manager, City of Fort Worth

9:15–9:30 a.m. • Veramendi E

### NPELRA UPDATE

NPELRA President **Michele Green**, Employee & Labor Relations Manager, Sarasota County, Florida

9:30–10:45 a.m. • Veramendi E

### VIOLENCE IN THE WORKPLACE

The session will provide key points of workplace violence prevention. Attendees will be provided strategies and practical information on implementing a violence in the workplace program, policy, and prevention plan. This will include tips on sensitivity training, selection tools, threat and risk assessment techniques, the importance of EAPs, and suggestions on handling employee terminations. Kathleen will also share her personal experience with workplace violence and the lessons she learned.

**Kathleen McComber**, MA, SPHR, SHRM-SCP, CCP, CBP, President, The HearT Group

10:45–11:00 a.m.

### BREAK

11:00 a.m.–12:15 p.m. CONCURRENT SESSIONS

TRACK 1 • Veramendi E

### INVISIBLE DISABILITIES

People with non-obvious disabilities often face very subtle discrimination in the workplace. Co-workers and managers may assume that they are seeking special treatment, as many people with hidden disabilities don't "look" sick. Of course there are legal implications around the ADA for overlooking these invisible disabilities. This session will focus on the necessary work that has to be done within organizations in terms of setting accommodation policies, instructing managers around how to best support their employers, and building trust around disability issues in the workplace. This session will also review recent research that points to best practice in establishing a workplace climate and culture that values respect and fair treatment of all employees.

**Wendy Strobel-Gower**, Project Director, Northeast ADA Center-Cornell University

TRACK 2 • Veramendi A–D

### TEMPLATE FOR A SUCCESSFUL CONTRACT — WHETHER MEET AND CONFER OR A COLLECTIVE BARGAINING AGREEMENT

Ricardo will provide a basic template of the essential subject matter areas that should be included in a collective bargaining or meet and confer agreement. He will provide an explanation of what the essential articles are, why they are necessary, and how they should be proposed and negotiated. He will also point out some pitfalls and traps in the bargaining process that should be



considered. The presentation is intended to translate the legal language and legal issues into plain English so that participants can have a clear working knowledge of the bargaining process and how it works.

**Ricardo Navarro**, Partner, Denton Navarro Rocha Bernal Hyde & Zech, P.C.

12:15–1:15 p.m. • Veramendi F

### LUNCH (PROVIDED)

1:15–2:45 p.m. • Veramendi E

### CRISIS COMMUNICATION

For those working in local government, it pays to forecast worst-case scenarios—a dark task but one that can communicate hope and care to those in need when a crisis comes. Whether it is a natural disaster or corruption at a high level, how you handle this “breaking news story” is critical to the branding of your organization. When a story breaks, the media is all over it. You can either look at them as an annoyance and spend critical energy getting them out of the way or you can use them as a conduit to get important messaging to the audience who most needs to hear from you. In this interactive and highly entertaining workshop, Terri and Jamie will share with you the way to manage the media so that your audiences hear what they need to hear from you.

**Terri Ammerman**, President and CEO; and **Jamie Roark**, Senior Instructor, The Ammerman Experience Public Relations Firm

2:45–3:00 p.m.

### BREAK

3:00–5:00 p.m. • Veramendi E

### LABOR RELATIONS LEGAL UPDATE

Bettye will present her annual “Tour around Texas” discussing developments in Texas municipal labor relations during the past year. Numerous new collective bargaining and meet and confer agreements have been negotiated during 2016, and several of them have included topics and language that will be of interest to all attendees. Bettye will also update attendees on the ongoing attempts to rein in “evergreen clauses” in Texas public sector labor agreements, and will review pending and completed litigation related to labor relations.

**Bettye Lynn**, Partner, Lynn Ross & Gannaway, LLP

# 31ST ANNUAL CIVIL SERVICE WORKSHOP

## Thursday, February 2 – Friday, February 3, 2017

### Thursday, February 2

8:30 a.m.–4:30 p.m. • Ballroom Foyer

#### REGISTRATION

9:00–9:15 a.m. • Veramendi A–E

#### WELCOME

TMHRA President **Wendy Standorf**, PHR, IPMA-CP, Human Resources Director, City of West University Place

9:15–10:30 a.m. • Veramendi A–E

#### PREPARING FOR THE WORST BY PROVIDING FOR THE BEST: DEATH IN THE LINE OF DUTY BENEFITS — ARE YOU PREPARED?

Each year between 140-160 law enforcement officers die in the line of duty throughout the country. Concerns of Police Survivors, Inc. (C.O.P.S.) helps to rebuild the shattered lives of survivors and co-workers affected by line of duty deaths, through partnerships with law enforcement and the community. Through a unique partnership with the U.S. Department of Justice, C.O.P.S. brings awareness to the Public Safety Officers' Benefits Program (PSOB). PSOB provides a one-time monetary benefit to the surviving family following a line of duty death as determined by federal criteria. This session will prepare your agency on line of duty death policies, state and federal benefits available to the surviving family, and how to work with the surviving family through a funeral and beyond. This session will also address fire employee benefits. Printed handouts and materials will be provided at this session for all participants.

**Laurie Putnam**, Director of Chapter & Survivor Support, National C.O.P.S.; and **Ashlee Hardy**, President, Metroplex C.O.P.S.

10:30–10:45 a.m.

#### BREAK

#### 10:45 a.m.–Noon CONCURRENT SESSIONS

##### TRACK 1 • Veramendi A–E

#### DRUG TESTING PARAMETERS

Joe and Julia will give a joint presentation on the issues relating to municipalities and the push to eliminate drug testing. Drug testing implicates several areas of law: State and Federal Constitution, the Americans with Disabilities Act, workers' compensation, and Chapter 143. This presentation will include legal and policy questions involving why, how, and what substances are being tested.

**Julia Gannaway**, Partner, Lynn Ross & Gannaway, LLP; and **Joe Gorfida**, Partner, Nichols, Jackson, Dillard, Hager & Smith

##### TRACK 2 • Veramendi G–J

#### OFF DUTY SOCIAL MEDIA IN THE HIRING, FIRING, AND DISCIPLINARY PROCESSES

Employees in all occupations use social media in their personal lives. Are there any special implications for police and fire employees? How does a civil service employee's Internet presence affect the department's and the employee's ability to do the job effectively, safely, and with credibility? What rights does a city or department have in exploring and using applicants'

and employees' off-duty social media presence when making hiring, disciplinary, and termination decisions? In this session, an experienced employment law attorney will explore whether such employees should be held to a higher standard and where the limits of employer action lie. As a bonus, we will look at some hilarious, interesting, and downright scary examples of what employees out there are doing online, and how courts are responding when their employers take responsive action.

**Sheila Gladstone**, Principal, Lloyd Gosselink Rochelle & Townsend, P.C.

Noon–1:00 p.m. • Veramendi F

#### LUNCH (PROVIDED)

#### 1:00–2:30 p.m. CONCURRENT SESSIONS

##### TRACK 1 • Veramendi A–E

#### PUBLIC INFORMATION ACT FOR LAW ENFORCEMENT AND FIRE PERSONNEL

Open government touches every department and employee working in a city, and law enforcement and fire personnel are no exception. Cities and city employees are required to release records to the public upon request, but some city records may be withheld, while other information must be withheld. This session will discuss what is releasable, what is withholdable, and what is confidential, with a focus on public safety records. Body cameras are a new type of records that have specific requirements that must be followed and will also be addressed in this session. Practical examples, sample forms, and best practices will be discussed.

**Laura Mueller**, Associate, Bojorquez Law Firm, PC

##### TRACK 2 • Veramendi G–J

#### PEER SUPPORT AND EAP RESOURCES FOR PUBLIC SAFETY AND THE CHIEFS' PERSPECTIVES

This session will cover, from a clinical perspective, a preventive approach after a critical incident to help first responders preserve career and quality of life. Ken will discuss ways to address critical incident stress, identifying symptomatology of PTSD, normalize feelings, and develop healthy coping mechanisms. The police chiefs from the cities of Hurst, Euless, and Bedford will be on hand to provide their input into how this program is benefiting their officers and how the program can be adapted to benefit the fire service.

**Ken Bennett**, LCSW, CMFSW, CART, Mental Health Coordinator, Hurst, Euless, and Bedford Police Department; **Mike Brown**, Police Chief, City of Euless; **Jeff Gibson**, Police Chief, City of Bedford; and **Steve Moore**, Police Chief, City of Hurst

2:30–2:45 p.m.

#### BREAK

**TRACK 1 • Veramendi A–E****PHYSICAL FITNESS AND READINESS TESTING DEVELOPMENT AND ASSESSMENT MODEL**

Historically, the application of physical fitness/readiness testing in law enforcement, as well as policy development, is an area of much controversy. However, thanks to the revolutionary work of the Texas Legislature, we are spearheading a new methodology in regards to this sensitive and controversial issue. This session is designed to create an open forum where we can bring attention and focus on the state of physical fitness/readiness testing for law enforcement, and share information regarding the development and evolution of the new DPS Physical Fitness/Readiness Testing Model. These concepts are easily adapted to the fire service as well.

**Captain Greg Davis**, Fitness Wellness Unit Coordinator, Texas Department of Public Safety

**TRACK 2 • Veramendi G–J****THE INS AND OUTS OF POLICE AND FIRE ASSESSMENT CENTERS**

Selecting and evaluating police and fire supervisory personnel is a familiar challenge. It could be the most important decision that a police or fire organization will face because of the future consequences. Essentially, organizations need more information on which to base their selection, promotion, and career development decisions—information they can understand and have true confidence in. Assessment centers provide a job-related, objectively oriented approach to providing organizational decision makers with more complete information than they might ordinarily obtain through the use of traditional written examinations. Understanding how assessment centers are designed and work is critical to either constructing an assessment center or selecting an outside contract to provide this crucial service. This seminar is designed to do just that: provide an overview on what a police or fire assessment center is; how to select exercises, dimensions, and assessors; and even how to pick valid content to make sure that the assessment center is designed to fit specific organizational needs. Participants will see firsthand that assessment centers are doable and a great method for police or fire departments to select their future leaders.

**Bruce Ure**, President, Ure Consulting

**4:00–5:30 p.m. • Spring Lake A–B****EVENING RECEPTION**

Co-sponsored by **Gallagher Benefit Services, Lynn Ross & Gannaway, LLP**; and **TMHRA**

**Friday, February 3****9:00–10:15 a.m. • Veramendi A–E****LEGAL UPDATE**

Bettye will present her annual survey of Chapter 143 Civil Service developments. She will focus on recent court and hearing examiner decisions that have resulted in new and interesting developments of interest to all civil service practitioners. Bettye will also be providing suggestions to all involved in the civil service disciplinary process on how to avoid the pitfalls of the “gotcha cards” that representatives of disciplined employees have begun unleashing on unwary management officials.

**Bettye Lynn**, Partner, Lynn Ross & Gannaway, LLP

**10:15–10:30 a.m.****BREAK****10:30 a.m.–Noon • Veramendi A–E****LEGAL UPDATE (CONTINUED)**

**Bettye Lynn**, Partner, Lynn Ross & Gannaway, LLP

**Noon****ADJOURN****SAVE THE DATE**

TMHRA Annual Conference

May 3–5, 2017

Renaissance Austin Hotel

TMHRA

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