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MTAS offices will be closed November 24 and 25, 2016 and December 26-30, 2016
Final FLSA Rule Released

The Department of Labor issued the long-awaited final overtime rule May 18. The rules increase the salary level threshold to $47,476 annually ($913 weekly), slightly more than a 100 percent increase of the old threshold of $23,660 annually ($455 weekly). The rules also set the total annual compensation requirement for highly compensated employees from $100,000 to $134,004. Finally, the rule establishes a mechanism for an automatic increase in the minimum salary threshold for exempt employees every three years.

Employers must comply with the new rule by December 1, 2016.

Now that the new rule is out, cities should:

• take an immediate look at the costs of employee reclassification vs. salary increases, as well as weigh those impacts and how they may affect service delivery and the budget in the short and long term;
• communicate how the new rules may alter how supervisors must manage newly non-exempt employees to remain compliant with the FLSA;
• train newly non-exempt employees on the requirements for working in the new classification; including expectations of avoiding compensable activity without prior authorization, and the expectations regarding tracking and reporting time worked; and
• anticipate that every three years they must monitor changes to the minimum salary level. Beginning January 1, 2020, the updates to the salary levels will occur automatically, and this should remain a point of focus when budgeting and setting long-term plans.

Employers will also be able to use nondiscretionary bonuses [1] to satisfy up to 10 percent of the standard salary level. Such payments may include nondiscretionary incentive bonuses tied to productivity and profitability. Longevity and Christmas bonuses most often qualify as nondiscretionary due to the establishment of an expectation of receiving such bonuses. However, for employers to credit nondiscretionary bonuses and incentive payments toward a portion of the standard salary level test, the Final Rule requires such payments to be paid on a quarterly or more frequent basis and permits the employer to make a catch-up payment.

[1] Regarding bonuses for purposes of calculating overtime pay, section 7(e) of the FLSA provides that non-discretionary bonuses must be included in the regular rate of pay. Non-discretionary bonuses include those that are announced to employees to encourage them to work more steadily, rapidly, or efficiently, and bonuses designed to encourage employees to remain with a facility. Few bonuses are discretionary under the FLSA, allowing exclusion from the regular rate (see 29 CFR 778.200 and 778.208).

Referral bonuses paid for recruitment of new employees are not included in the regular rate of pay, if all of the following conditions are met: (1) participation is strictly voluntary; (2) recruitment efforts do not involve significant time; and (3) the activity is limited to after-hours solicitation conducted among only friends, relatives, neighbors, and acquaintances as part of the employees’ social affairs.

https://www.dol.gov/whd/StateandLocalGovernment/media/OT%20Examples%20final.htm
“Guns on Campus” Legislation

The Tennessee legislature enacted Public Chapter 1061, Acts of 2016 which became effective July 1, 2016. The act, commonly referred to as the “Guns on Campus” legislation, authorizes full-time employees of public institutions of higher education who possess a valid handgun carry permit to carry handguns while at work in certain situations. In order for such employees to legally carry handguns while at work, the employees are required to notify the local law enforcement agency or agencies having jurisdiction over the property owned, operated or controlled by the public institution of higher education, in writing, of the employee’s intent to carry a handgun while at work. Interestingly, an employee who is also a student at the institution is prohibited from carrying a handgun on property owned, operated or controlled by the institution, even when working and not going to class.

Upon receiving the employee’s written notification, the local law enforcement agency is required to maintain the employee’s name and any other information that could identify the employee as confidential, except in limited circumstances. The legislation allows the local law enforcement agency to disclose the employee’s identifying information to the administrative officer of the institution who is responsible for school facility security, as long as the administrative officer is not the employee’s immediate supervisor or a supervisor responsible for evaluating the employee. Additionally, a local law enforcement agency may disclose the information to another law enforcement agency for law enforcement purposes only.

The act also authorizes local law enforcement agencies to develop policies and procedures necessary to implement the notification and confidentiality requirements referenced above. Additionally, local law enforcement agencies are authorized to develop a voluntary course or courses of special or supplemental firearms training for employees who elect to carry a handgun pursuant to the act. Firearm safety is required to be a component of any firearms course offered.

Iran Divestment Act

With the passage of Public Chapter No. 817 and effective July 1, 2016, the General Assembly of the State of Tennessee added a chapter to the Tennessee Code Annotated cited as the “Iran Divestment Act.” Codified in T.C.A. §12-12-101 et. seq., the General Assembly implemented the authority granted under federal law, specifically Section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195).

This title requires the state chief procurement officer to publish a list of persons and entities determined to be engaged in investment activities with Iran on the state’s website. Those who are included on this list are prohibited from contracting with any political subdivision of this state and any contract entered into shall be void. The Tennessee Department of General Services, Central Procurement Office has adopted the list created by South Carolina, which will be posted on the state website. The link below will provide access to the list of entities that are covered by the Act:


In addition, when competitive bidding is required, every bid or proposal made to a political subdivision of the state shall contain the following statement affirmed by the bidder as true under the penalties of perjury: “By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to §12-12-106.”

The affirmation by each bidder may be submitted electronically. No bid shall be considered for award where this condition is not met, except under very narrow limitations stated in the act.

For more information, please contact your MTAS Finance and Accounting Consultant.
Welcome Johnson City and Lewisburg to Tennessee's Benchmarking Collaborative!

The cities of Johnson City and Lewisburg have joined the Tennessee Municipal Benchmarking Project for the FY2016 data collection cycle and MTAS staff couldn’t be more excited.

“Both of these cities will bring unique and quality perspective to this group of data-minded cities. Our goal is to make sure they both have a good first year in the project,” says Frances Adams-O’Brien, TMBP project manager. Adams-O’Brien conducted onboarding sessions with both cities in September to orient the city’s staff to the project. She briefed participants on the project timeline, measures collected in the project, and the Covalent system which is used to collect and analyze the member’s data. Project staff from MTAS will follow-up with staff from Johnson City and Lewisburg to assist with their first year of TMBP data collection.

Quote: “Benchmarking allows an organization to gain a perspective on how well they are performing compared to similar organizations. It assists management in identifying opportunities for improvement, prioritizing goals, monitoring performance and managing change. In many cases benchmarking can also act as a motivator for staff as they strive to outperform the established benchmarks.” -- Randall Dunn, City Manager, Lewisburg.

For more information on the TMBP, please visit the MTAS website at http://mtas.tennessee.edu/web2012.nsf/Web/Benchmarking or contact Frances Adams-O’Brien at 865-974-9842 or frances.adams-obrien@tennessee.edu.

“Calling the Question” : Can This Tool Improve Your Council Meetings?

The town of Greeneville invited MTAS Municipal Management Consultant Margaret Norris to present a session on Robert’s Rules of Order. Nineteen people representing eight different boards, committees, authorities and commissions, plus several city staff attended the meeting. While all the represented groups have the town in common, that may be the end of their shared experiences - except that they all conduct meetings. The basics of parliamentary procedure were covered, plus an added segment on tips to establish decorum and maintain efficient meetings.

The participants asked several questions and many situations were reviewed. For example, did you know that the default time limit for speeches in debate is 10 minutes, and if you do not use all of your allotted time, that you cannot transfer your unused time to another member? (RONR (11th ed.), p 388, ll. 12-20). Another lesser-known/used fact of Robert’s Rules is that there should be a vote to end debate before there is a vote on the main motion; and that vote must be passed with a 2/3 majority. This is what is known as “moving the previous question” or “calling the question” as it is more commonly said (RONR (11th ed.), p 202, ll. 2-24).

The presentation was audio recorded with the intent of creating a transcript for an online course that MTAS anticipates releasing by the end of 2016. If parliamentary procedure is a topic of interest for you, please look for this online training opportunity in the near future.
First of all let’s get something out of the way – this is one of the best books I have read regarding the common characteristics of successful cities. As practitioners of the local government experience we each tend to marvel when we enter into, and experience, a vibrant city. It feels alive, like something we want to join, to know, to have as our own, and to recreate elsewhere. And that’s the challenge. How can we take the best parts of our favorite cities, the underlying characteristics that make them great, and refashion those in our home places?

In “The City,” author Joel Kotkin helps to answer that question. By looking across the historical expanse of city development he identifies the three characteristics shared by all successful cities. He traces the evolution of these characteristics, including their influence on early cities such as those of ancient China and Europe, to the modern western cities we experience today. By taking a historical approach and by providing vivid examples of these characteristics over time, we come to better understand two things – how crucial these characteristics are to the success of a city and how we as practitioners can work to instill these characteristics in the cities we govern.

Kotkin well expresses the significance of cities when he says, “Humankind’s greatest creation has always been its cities. They represent the ultimate handiwork of our imagination as a species. Cities compress and unleash the creative urgeks of humanity. They have been the places that generated most of mankind’s art, religion, culture, commerce, and technology.”

Within this context Kotkin says all cities serve three fundamental purposes; spiritual, political, and economic. From these purposes the required characteristics for a successful city emerge. And for our purposes here, success is defined as a city that is vibrant and sustainable. That is, it can generate and retain wealth and can survive across generations.

The first required characteristic is a “sacredness of place.” Think back to the early history of cities, to the age when Babylon, Mesopotamia, Damascus, and even Venice were the epitome of the urban experience. Most had a religious center and many were dominated by a church-based governance. But think too of sacredness in a broader context. It can also refer to the mission of a city, to its theme, its brand, or to the core of what a particular community is all about. Think Nashville as Music City or the town of Unicoi as part of the Buffalo Valley or Bristol as the Birthplace of Country Music. These themes help define the city in question and provide a foundation for uniting citizens, visitors, and investors around a common focal point.

Kotkin’s second characteristic is the “provision of basic security.” In ancient times this meant the fortification of a city, and usually the upkeep of a standing army to aid in its defense. But the same holds true today, albeit in a different way. Today we provide security through a police force, a fire department, or a safe and modern transportation system. Each of these helps protect our citizenry and the investments people make in our communities.

And Kotkin’s third and final characteristic is “busyness.” That is, a city must have a viable and thriving economic core, where people can experience trade, where a merchant class can be developed, and where success can be realized by investing in the city. The author points out that the most successful of these cities develop a “series of alliances with various regional powers.” In other words, they understand the value of working together with neighboring jurisdictions.

From these three characteristics a range of ancillary benefits may also accrue, usually cultural in nature. For example, the trade and merchant success of Phoenicia resulted in the development of the
The First 90 Days in Government: Critical Success Strategies for New Public Managers at All Levels

Reviewed by David Angerer, MTAS Municipal Management Consultant

The book is not written merely for those persons about to start their first job in government – but for all managers and administrators as they transition to each new job they may assume during their careers, regardless of their previous success and experience.

The book was first published several years after I concluded my city management career – a career that involved transitions into three municipal governments. Reading the book from the vantage point of my employment at MTAS, I found myself wishing it had been available to me more than 30 years ago as I struggled to get the picture when I assumed new positions and assignments.

The book focuses largely on the thorough assessment of the challenges and opportunities present in each job change one might encounter in government. The reader is shown the importance of getting quickly up-to-speed on the new organization’s history, technology, culture and politics – and how to avoid traps that can frustrate these attempts. The point is made: the seeds of managerial failure are often sown during the first 90 days on the job – precisely the time when we are most isolated and least likely to know what we don’t know about our new environment.

Who should read this book? Newly minted mayors and city council members will find it useful. So will city managers, administrators, and department heads as they accept new positions. It’s a friendly read – nothing too complicated or abstract.

This book can be borrowed from the MTAS Watson Information and Research Center by emailing MTAS Senior Library Associate Dawn McMillen, at dawn.mcmillen@tennessee.edu or calling at 865-974-8970.

Originally submitted for publication in TML’s Tennessee Town & City
Athens Experiences the Silver Tsunami

Margaret Norris, MTAS Municipal Management Consultant

You have heard about the silver tsunami - a wave of retirement of the baby boomers (people born between the years of 1946 and 1964). The tidal wave has struck land in Athens with the announcement that December 31 will be the last day of employment for the human resources director, the chief of police and the city manager.

The city recognized the impact of the pending loss of significant institutional knowledge (a combined 102 years) and asked MTAS for assistance in the three executive recruitments. On August 9 and 10, and on August 16 and 17, MTAS facilitated assessment centers for the positions of HR director and police chief, respectively.

An assessment center is a process in which applicants are evaluated using a number of measures and activities by a group of raters. It is a tool to examine candidates’ abilities to perform the core competencies of the position. Competency-based assessments provide an opportunity to evaluate attributes that can lead to good or bad behavior. MTAS conducted surveys and interviews of the city manager and several department heads to glean information on what the core competencies are for each position.

Upon completion of the two assessment centers, the human resources director, Rita Brown, has this to say about the process: “MTAS provides a professional, valid and objective method of assessing candidates. This process has saved the city of Athens countless hours and working with MTAS staff has made the process painless.”

In the photo: left to right, Chuck Ziegler, Police Chief; Rita Brown, Human Resources Director; and Mitchell Moore, City Manager.

MTAS and TREEDC Conduct Philippines Mission Trip

Warren Nevad, MTAS Municipal Management Consultant

More than 2,000 Philippine citizens representing municipal, academic and business sectors participated in a mission trip conducted by MTAS and the Tennessee Renewable Energy and Economic Development Council (TREEDC). The objectives of this fact-finding mission trip were to share Tennessee municipal best practices in ordinance development, law enforcement training and renewable energy opportunities across the Philippines.

The MTAS/TREEDC delegation participated in the United Nations Association of the Philippines (UNAP) 17th International Youth Day Conference at Pasig City University. The theme of the conference was Eradication of Poverty through Global Partnership for Sustainable Development. Philippines Senators Sherwin Gatchalian and Cynthia Villar urged the audience to avail themselves of economic opportunities to help foster more innovation in the Philippines. Also on the conference agenda was an overview, which was provided by MTAS Municipal Management Consultant Warren Nevad, of the TREEDC Community Outreach Program.

In a visit with the extension faculty of the University of Rizal System, Nevad shared information on IPS/MTAS training programs. The mission trip concluded with a three-day site visit to the Mindanao region. Mayors from M’lang, Cotabato, Maitum and Alabel shared their municipal experiences with the delegation. A dinner reception was conducted with area businesses interested in solar development. Municipal waste-to-energy projects completed in Tennessee were highlighted at the dinner and Nevad presented information on the UT Law Enforcement Innovation Center (LEIC) programs that have taken place in the Philippines.

General Santos Vice-Mayor Shirlyn Banas-Nograles and Nevad also reviewed how MTAS codification services are provided to cities in Tennessee. To wrap up the visit, the delegation also visited the Sarangani Province Governor’s staff to conduct a solar assessment.

TREEDC will host its third Annual International Renewable Energy Conference on December 15-16 at TREEDC Founding Member Tennessee Tech University.

For more information, check out www.treedc.us.
MTAS Brings a Human Perspective to ADA

MTAS received positive comments about its class that offered insights to the successes and difficulties of the American's with Disabilities Act (ADA). MTAS presented Bringing a Human Perspective to ADA to more than 80 participants throughout the state. The classes were facilitated by Judy Housley of the Tennessee Municipal League’s Risk Management Pool and Honna Rogers, MTAS municipal management consultant.

Beginning with the passage of the ADA in 1990 through the updating of the Act in 2008, this class covered how the cities and towns of Tennessee have updated facilities and endeavored to comply with this law. The ADA is intended to prohibit discrimination against those with disabilities and allow equal access to all facilities and events. Drawing on personal experiences from past encounters, the facilitators pointed out problems that exist, which the average citizen without a disability might not notice. Topics included parking, bathroom designs, sidewalk accessibility and even the weight of doors. The instructors offered advice and solutions that all municipalities can use to make accessibility available for all citizens.

City of Kingston Finance Director, Carolyn Brewer said, “I can truly say that this was one of the most informative classes I have been to in a long time. I came back to work searching for anything that needed to be changed to make everything handicap accessible.”

MARK YOUR CALENDAR FOR AN EVENT NOT TO MISS!

MTAS Women in Public Service Symposium 2016
Murfreesboro | November 10

The third annual Women in Public Service Symposium provides best practices for Tennessee women whose current occupations are within the realm of public service. This symposium will feature several prominent women speakers who have dedicated their lives to public service and are recognized for their wealth of knowledge in preparing the current and upcoming generation of female leaders. This year’s speakers include Dr. Susan Williams of Belmont University, Former UT Women’s Athletics Director Joan Cronan, James former director of United States Office of Personnel Management Dr. Kay Cole and Comedian Leanne Morgan.

The 2016 Women in Public Service Symposium is November 10 from 9 a.m. – 3p.m. at the Doubletree Hotel in Murfreesboro

To register, please visit www.mtas.tennessee.edu
Or contact Patrick Mills at 865-974-9833 or patrick.mills@tennessee.edu
Second Year Sees Revisions of the Municipal Court Clerk Certificate

Abb Oglesby, MTAS Municipal Court Specialist

This fall MTAS will present the revised Municipal Court Clerks Certificate Program. These revisions take into account the ever-evolving situations faced by Municipal Court Clerks.

Just what is the purpose of the certificate? The Municipal Court Clerk Certificate Program is designed to help both the new and veteran clerk develop and maintain the knowledge, skills and abilities required for successful court management.

What is involved in this revised certificate? The goal is to complete the certificate during a three-year period, with new clerks beginning the program each year. First, each clerk must complete the Municipal Court Clerk Foundations and Updates Seminar. This training covers the general operation of a municipal court and updates on legislative changes impacting municipal courts. Second, clerks must attend three consecutive Municipal Court Clerks Conferences. Each year the conference will hold sessions covering the Certificate Topics of (1) Legal Procedure, (2) Management and (3) Partners in Progress. Third, MTAS offers over 150 online training opportunities. Certificate participants should enroll and complete two online trainings that combine to at least two hours of training. Fourth, the final requirement is a Certificate Site Visit to be conducted by the MTAS Municipal Court Clerk Specialist. During this visit, the clerks will be asked to show the process of how the clerk’s office handles a ticket/citation once it is received through the court date and post-judgment period. This is not an exam - there is no pass or fail. It is an observation and advice session.

Once all the objectives of the Certificate Program are met, clerks will be asked to provide transcripts of each course and site visit. Upon review and approval of the supporting documents, a certificate will be issued.

MTAS is excited to enact these revisions and looks forward to presenting the first set of certificates next year to those who are currently two-thirds of the way through this three-year cycle.

For more information, contact Abb Oglesby at 865-974-0083 or abner.oglesby@tennessee.edu.

So Many Laws, So Little Time: MTAS Holds Courses on 2016 Municipal Legislative Session

The word is out, “Elisha – she rocks!” said a participant about the 2016 Legislative Update Class. And the numbers don’t lie – as 75 more participants than last year attended the class. A total of 245 customers showed up to hear Elisha Hodge, MTAS legal consultant break down the laws that take effect this year for municipalities. Hodge held legislative update classes across the state during the summer. These information-packed courses were an excellent opportunity for municipalities to learn about the impact the legislation will have on them.

Some city officials provided comments such as “New laws are always interesting. Elisha did a great job.” And “I did not have to drill down and find out what was new. This saves me a lot of time.”

MTAS wants to give city employees another opportunity to find out all they need to know about this year’s legislation by offering this course online. Hodge has summarized the information in an online version of this course. City employees can download the Summary of 2016 Public Acts and listen only to the areas that interest them.

To sign up for a course or see course titles and descriptions log into http://www.solutionpoint.tennessee.edu/MTAS
Finance Roundtable Meetings Held in East Tennessee

Brad Harris, MTAS finance and accounting consultant for East Tennessee, recently held a series of roundtable discussion meetings in Signal Mountain, Monteagle and Kingston. Here he talks about why he finds it important to provide this service to the cities in his area of the state:

“About 15 years ago, when I was new to governmental accounting I was invited to a roundtable discussion group meeting. I remember listening as experienced finance officers discussed a wide variety of topics, most of which I had never heard of. I sat there like a sponge soaking up every bit of information I could. Most of those in attendance had been in their profession 15 or 20 years, and they discussed issues, problems, new legislation, policies and procedures or any other topic someone wanted to discuss. Around that time, I started developing a group of colleagues that I could call on with questions. I quickly learned that sitting around the table with people who do the same thing you do can be one of the most valuable learning tools you can have. Classrooms are great but there is just something special about the informal setting of a roundtable discussion, as people learn from each other’s experiences, and the networking it provides is invaluable.”

If you are interested in hosting a finance roundtable group discussion at your city, contact Brad Harris at brad.harris@tennessee.edu.

UPCOMING CONFERENCES

Tennessee Government Finance Officers Association Fall Conference

Murfreesboro, TN  |  October 13-14, 2016

Tennessee Stormwater Association Conference

Fall Creek Falls State Park, TN  |  October 18-20, 2016

Tennessee City Management Association Fall Conference

Knoxville, TN  |  October 26-28, 2016

Tennessee Recreation and Parks Association Annual Conference

Memphis, TN  |  November 13-16, 2016
## Training Opportunities

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<th>Date</th>
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<td>10/5/2016</td>
<td>FIRO-B (Learning About Your Behavior Style)</td>
<td>Jackson</td>
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For a Full List of Training Opportunities, visit http://www.mtas.tennessee.edu/web2012.nsf/Web/Training+Course+Calendar