

**ST. LOUIS COUNTY  
CIVIL SERVICE COMMISSION**

Court House  
Duluth, Minnesota

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The St. Louis County Civil Service Commission met on Monday, April 8, 2024 at 1:30 P.M. in HR Conference Room 2, Ground Floor, Courthouse, Duluth, MN.

Members present: Ms. Julie Waltenburg, Member  
Ms. Lindsay Snustad, Member  
Mr. Alan Widell, Alternate

Others present: James Gottschald, Director, Human Resources and Administration  
Colleen Effinger, Human Resources Manager  
Megan Haworth, Human Resources Advisor  
Emily Masterson, Information Specialist III  
Carl Crawford, Equity and Inclusion Specialist Senior  
Brian Boder, Deputy Public Works Director  
Paul Kovach, Human Resources Senior Advisor  
Eric Garman, Equipment Operator Junior  
Connie Westlund, Equipment Operator Senior/Teamsters Local  
#320 Business Agent

1. Julie Waltenburg, Member, called the meeting to order.
2. A motion was made by Alan Widell and seconded by Julie Waltenburg to approve the minutes of the March 11, 2024, meeting as submitted.
3. The next item on the agenda under new business was consideration of the appeal by Mr. Eric Garman, Equipment Operator Junior for the Public Works Department, regarding his request to adjust his starting salary rate to step 7 of the Equipment Operator Junior salary range retroactive to his October 30, 2023 hire date. Director Gottschald framed the issue and provided copies of the civil service rule that pertained to Mr. Garman's circumstances. He stated that the standard of review for the appeal before the Commission was the arbitrary and capricious standard, meaning that Mr. Garman would need to demonstrate the decision of the Director and/or Human Resources was lacking rationale or contradicted the county's Civil Service Rules.

Mr. Garman was next invited to present the basis for his appeal and the remedy he sought.

Mr. Garman stated that upon his employment with St. Louis County, he asked his Public Works Department hiring authority if there was a way for him to start at a higher step, and further reported he was told “absolutely not, everyone starts at step 1.” Mr. Garman stated he was okay with this and there was no further discussion on the matter at the time of his hire. Mr. Garman testified that there was a union meeting in February 2024 to discuss an employee that was hired with the Public Works department at step 7. He testified that the employee attended the union meeting and stated he did not ask for nor negotiate the higher starting salary, it was simply offered to him.

Mr. Garman testified that he later inquired as to why the new employee was offered step 7, and that he was told it was because the employee had experience. Mr. Garman went on to say that he in fact had more experience running equipment and supervising jobs than the other employee who received the higher step placement upon hire. He testified that he sent multiple letters to the Human Resources Department outlining his experience and once again asked if there was a possibility to place him at step 7 retroactive to his start date. Mr. Garman acknowledged that he knew it was a lot to ask for since he was “the new guy”, but stated he could not understand the justification of hiring someone who, at the time of hire, did not even possess a valid Commercial Driver’s License, per the employee. Mr. Garman stated he felt it was totally unfair that the hiring systems put in place by the county could differ so significantly. He added that he was unsure if it was due to difficulties hiring for the position and perhaps that is why the other employee was offered a higher starting salary, but added at his location there are currently four vacancies as well.

Mr. Garman clarified that he took the county’s position to have a better work-life balance by working fewer hours and that it is not necessarily about the money, but he still feels the situation is unfair. In closing, Mr. Garman

reiterated that he is requesting that he be retroactively placed at step 7 as a remedy to his appeal.

Director Gottschald opened the floor to the Commission for questions. Commission member Waltenburg asked Mr. Garman to specify what qualifications and experience he has that would make him eligible for step 7. Mr. Garman responded that he has 45 years of experience operating any-and-all equipment that the county currently uses in the work performed. He added he was the nightshift superintendent for a bridge project in Virginia, Minnesota and completed all of the dozer work for the project as well. Connie Westlund, Teamsters Local #320 Business Agent, provided additional background information for the appeal stating there is an Equipment Operator Junior and Senior pay scale. She clarified that the new employee referenced in Mr. Garman's testimony was also hired into the Junior level, but at a higher wage rate than Mr. Garman, even though (Garman) has been employed by the county longer and has more experience.

Next, the Human Resources Department was invited to testify as to the actions of the employer. Paul Kovach, Human Resources Senior Advisor, responded on behalf of the Human Resources Department. He testified that Public Works does not dispute the fact that Mr. Garman has considerable reported experience as an equipment operator. Mr. Kovach next outlined the hiring process of an Equipment Operator Junior in the Public Works Department. He testified that Brian Boder, Deputy Public Works Director, oversees the hiring of all maintenance personnel and reviews all applications along with the Highway Division Superintendents prior to interviewing potential candidates. He confirmed Mr. Garman's application was reviewed prior to his interview consistent with that past practice, and it was determined that Mr. Garman would likely be successful in the role of an Equipment Operator Junior. Mr. Kovach further testified that it was a long-standing past practice of the Public Works department to offer Equipment Operator Junior positions at Grade J15, step 1, and no higher even if requested by the applicant. Mr. Kovach testified he has been assigned as an HR Business Partner to the Public Works Department for 12 years and that during that time

up until February 2024, no Equipment Operator Junior had been hired above step 1.

Mr. Kovach testified that Mr. Garman did not request a higher starting salary and, contrary to Mr. Garman's testimony, and was offered the position at Grade J15 step 1, which Mr. Garman accepted. In closing, Mr. Kovach once again summarized the hiring process and past practices of the Public Works Department, and confirmed that the actions taken associated with Mr. Garman's employment offer were thorough and consistent with both the Department's employment practices and the county's Civil Service Rules. Mr. Kovach further confirmed that several months after Mr. Garman was hired, a business decision was made by the Director and Deputy Director of the Public Works Department to commence a new practice to consider hiring candidates above step 1, due to dynamic market considerations and pursuant to the provisions of Civil Service Rule 4.3. Mr. Kovach further clarified that the employee Mr. Garman referenced earlier did in fact possess a valid Class A Commercial Driver's License at the time he was hired. He also added that this employee's application and credentials were thoroughly reviewed by both the Public Works Department and Human Resources. The employee was deemed exceptionally qualified for the position and for the offer of employment that was extended.

Director Gottschald provided Commission members with a copy of a form titled Request for Starting Salary Above Minimum Rate which is a form Human Resources requires the hiring department to complete when requesting for a higher starting salary. Director Gottschald clarified that Human Resources has no control over the determinations of when departments request or do not request higher starting salaries, and stated that evaluating such department level requests are beyond the scope of authority for the HR Department and civil service commission. Director Gottschald stated the scope of this appeal is to determine whether or not the Human Resources Department made an error or haste judgement in reviewing the request. He reiterated that Human Resources did not even receive a Start Above the Minimum form to start Mr. Garman above step 1.

Mr. Garman posed a new question, if he had been hired January 2, 2024, for instance, and requested to start above step 1, would it have then been approved? Director Gottschald reiterated that it was not for Human Resources to prescribe starting salaries for new hires. He stated the role of the Human Resources Department is to review the request submitted by the hiring department, review the application and credentials of the candidate, and then determine if the step that was being requested by the department was supported by the qualifications of the candidate. Director Gottschald once again added it is a decision to offer a higher starting salary that is made solely by the department, and the issue should not be considered by the Civil Service Commission as the actions of Human Resources were consistent with Civil Service rules.

Commission member Snustad addressed Mr. Garman stating she acknowledged the frustration he was feeling surrounding the significant decrease in pay from his previous employment, despite his 45 years of experience in the field. She added she is hopeful there will be an opportunity for Mr. Garman to be reevaluated once his probationary period ends. Mr. Garman interjected and stated that he will not be employed with the County when that happens. He reiterated that it was not about the money and that he accepted the position as it was close to home and allowed him more free time. Mr. Garman stated he was upset with the unfair practices of the County and did not appreciate being treated in such a manner. Ms. Snustad asked Mr. Garman if she could continue with what she was saying, to which Mr. Garman obliged. Ms. Snustad stated that in her opinion she did not feel that Mr. Garman's appeal was a fairness issue and that the decision to start him at step 1 was not made arbitrarily. Ms. Snustad added that hiring practices are bound to evolve due to an ever-changing job market and does not believe Mr. Garman was treated unfairly throughout the process.

Prior to deliberation, Ms. Waltenburg addressed Commission members and Mr. Garman inquiring if there were any further discussions on the matter. Neither Mr. Garman nor the Commission had any additional information to add regarding the appeal. A motion was made by Alan Widell, seconded by

Lindsay Snustad to deny Mr. Garman's appeal. The motion was passed unanimously.

4. The next item on the agenda under old business was consideration of the election of Chairperson and Vice Chairperson. A nomination was made by Julie Waltenburg and seconded by Lindsay Snustad to elect Julie Waltenburg as Chairperson and Lindsay Snustad as Vice Chairperson. Both members accepted the nominations and the vote passed unanimously.

#### DIRECTOR'S COMMENTS

- Director Gottschald informed the Commission that the Human Resources Department has finalized and distributed the 2024 seniority lists which are required annually under Civil Service Rule 11. Director Gottschald took a moment to thank Colleen Effinger, Human Resources Manager, and her staff members Tyra Goldsworthy and Emily Masterson for their diligence and commitment to completing the project. Director Gottschald stated it is a complex process which requires a great deal of review and accuracy, and the departments rely heavily on the lists for many purposes such as bidding on paid time off and additional assignments.
- Director Gottschald advised the Commission there are a few class specs in development for the Emergency Management division within the Sheriff's office. He stated it is unlikely they will be brought to the next Commission meeting but anticipates they will be ready by the first meeting in May.
- Lastly, Director Gottschald briefly touched on the legislative session stating the county continues to closely monitor the labor/employment related bills. He stated the bills have yet to pass through the House and Senate, but will likely show up in other policy or bonding bills.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*James R. Gottschald*

James R. Gottschald  
Director of Human Resources and Administration