

## Case Study: Who Is Doing the Department-Head Hiring Anyway?

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By ordinance, the manager of a city in Colorado has the prerogative of hiring department heads. The director of public works has resigned, and the manager has received some 20 applications for the vacant job after making a statewide recruitment effort. She has screened the results, narrowed them down to the five most likely candidates, and interviewed each of the five. Now, she is convinced that the most capable person for the job is Manuel Gonzalez, who lives in another city, holds a degree in engineering, and offers five years of experience in a public works department.

One of the 20 applications the manager received was from a popular local individual, Bob Smith, who is a small contractor most of whose work involves blacktopping. He has done some work on driveways and playgrounds for the city and has performed satisfactorily. The manager has received several calls from friends of Smith—who has many friends around town—but, on looking at his resume, has decided to eliminate him from the group of finalists. In her opinion, he has neither the educational background nor the experience for the job.

The manager is now in the process of checking out references on the candidate she has selected as the best qualified, Gonzalez. She has heard talk that some members of the council are in favor of Smith, but this in no way sways her judgment. Based on qualifications, Smith did not even make the final round of five applicants. The manager has every intention of offering the job to Gonzales, once she has finished the process of checking references. The manager has just walked into a restaurant for some coffee with her assistant, and three councilmembers have invited her to their table. From the looks on their faces, they want to talk to her about something.

### **If the councilmembers want to discuss the hiring of the director of public works, how should the manager respond? *Practitioners offer their advice.***

In responding to the councilmembers' request to discuss the director of public works position, the city manager should have two goals in mind: 1) to retain her authority to hire and fire department heads, and 2) to "arm" the city council with good information it can use to address comments or concerns from constituents, including Bob Smith, about the selection. In many local governments, the authority to appoint department heads is specifically granted to the manager by code. If this is the case, the manager should remind the councilmembers of this particular section of the code, then facilitate a discussion with them about why the law exists and how it ensures more effective operation of the organization by reducing the potential for cronyism, favoritism, and/or corruption of appointed leaders. She should also discuss the roles and responsibilities of a professional manager versus those of the council, and how these roles work together to ensure a healthy, productive city organization and the effective delivery of services.

To help the council become strong public advocates for the selection of Manuel Gonzales, the manager should ask them what they believe are the most important characteristics of an effective public works director. Based on their responses, she should then point out why Gonzales is the better candidate.

She should educate the council about the complexities of today's public works environment, including the numerous federal and state mandates that public works departments must be responsive to, such as the National Pollutant Discharge Elimination System permit program, the Clean Water Act, and other environmental laws. It's entirely possible that, once the council sees how challenging the role of the public works director can be, they may conclude for themselves that Smith is underqualified.

What any community ultimately wants is for the city's basic infrastructure—its storm drains, sewer systems, streets, traffic signals, and public facilities—to be well maintained and working properly. This aim requires a particular combination of education, experience, and high-level strategic management skills, as well as an ability to forge positive relationships with citizens out in the community. Vesting the city manager with the authority to make this important hiring decision maximizes the potential for sound, long-term management of the public's infrastructure, and it ensures that public health, safety, and welfare are protected in the process.

**—Catherine Standiford**  
**City Manager**  
**La Palma, California**

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In the case-study scenario, several issues or circumstances are troubling. The first one is how the manager responded to the input from the community residents who were advocates for Bob Smith. The second is the fact that there are three councilmembers sitting together discussing city issues. Depending on the size of the council, three may constitute a quorum, and consequently you may have an illegal meeting at the restaurant.

With regard to the second circumstance cited above, if three councilmembers constitute a quorum, the manager should politely decline the discussion, explaining that there may be a problem and that she does not want to taint the process. On the other issue, concerning the comments from the general public, these people need to be made to feel that their input was valuable and that they themselves are of value to the community.

Aside from these issues, my advice to the manager would be to politely listen to the comments of the councilmembers, tell them their input will be taken into consideration in making the decision, then proceed with due diligence. I believe it is important to get as much input from as many different sources as possible. Getting advice from different sources doesn't mean that the advice received will alter the facts surrounding the hiring issue.

An issue in the entire mix might be that the best candidates are people who live in other communities. This can be an especially touchy situation if there is a residency policy in place and if it is not clear whether the top candidate intends to move into the city. An explanation of the job requirements and the hiring process, if not already given, may be helpful in quelling the fears of the council and other community members.

It appears that the manager has made the selection and decision process a one-person show. I have found that it is useful to involve several people in the process, in order to find the ideal person for the job. I then make an attempt to build a consensus on the best candidate. A process like this really helps to raise support for the final decision.

Over the years, I have hired several individuals at department-head level. They were my responsibility as manager to hire. I have also been involved in assisting various councils in hiring people to fill positions that report to the council, not the manager. There have also been situations in some local governments and states in which it was the council's responsibility to hire and fire individuals in certain positions, but the incumbent reported to the manager or administrator. In each of these situations, I have used a standing committee or a single-purpose ad hoc committee to assist in the process.

It is important to remember that it is counterproductive to get defensive if councilmembers or anyone in the public attempts to discredit the selection process. Here is an example of when a committee process was used and was successful.

The library director had resigned, and we began the process of selecting someone to fill that position. The library advisory board reviewed all the applications received, in order to make a recommendation on who should be interviewed. Two interview panels were employed to interview the final five candidates selected. In addition, the person who took each candidate on a city tour was asked for his or her input in the selection process.

Not surprisingly, when those involved in the process got together to discuss the candidates, all agreed on the top three, with only minor differences in how they ranked their second and third choices. In this way, with broad support, a high-quality candidate was selected to fill the position.

**—Don Baird**  
**City Manager**  
**Bethel, Alaska**

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My first concern would not be the personnel decision but whether or not I was contributing to a violation of open meetings or public-access laws, or even contributing to the appearance of such. If the city council is composed of five or fewer members, then meeting with a majority of councilmembers, even over coffee, could lead to allegations that the manager and council were convening to discuss and decide city business outside the public process.

If at all possible, my response would be to politely turn down the invitation to join them for coffee but to immediately offer to telephone or meet with each of them to discuss any issues that were on their minds. I would go as far as to schedule a time by the end of the day to confer with each of them.

Assuming the public-meeting question was resolved, if the councilmembers' concerns did involve whether or not Mr. Smith was being considered as a candidate for the public works position, I would be as honest and straightforward with them as possible. I would review the city's recruitment and hiring process. I would remind them that the manager retains the prerogative to hire the person who most meets the needs of the city in terms of education, training, and experience.

And I would let them know that, while Mr. Smith has been a valuable contractor who has performed satisfactorily in the past, the position of public works director requires a person with broader-based knowledge and skills. And I would say that, after interviews and successful reference checks, a finalist had been selected who was not Mr. Smith.

Ideally, as the councilmembers were presented with the facts of the case and reminded of the manager's responsibility for personnel administration, they would accept the explanation and would support the manager and the new public works director. This is, however, one of the few issues in local government management in which a manager must be willing to "fall on their sword" by preserving the right to select personnel based on merit, and must be prepared for potential negative outcomes.

I would be attuned during the next several months to the needs to the councilmembers and their general demeanor toward city staff and myself. I would ask myself: Have a number of votes suddenly gone against staff recommendations? Are councilmembers meeting more regularly for coffee and presenting me with "done deals"? Are councilmembers suddenly more formal in their verbal and written communications with me? Is the council interested in restricting the administrative powers of the manager and key staff? These would all be signs that the manager's days might be numbered and that it wouldn't be a bad idea to update the resume (just in case!).

**—Peggy Merriss**  
**City Manager**  
**Decatur, Georgia**

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A manager should never avoid talking to councilpersons; however, there are always situations to be wary of. If the full town council had five or fewer members, and if the discussion in the coffee shop had anything to do with town business, the coffee among the councilmembers would be a clear violation of the open-meetings law. Therefore, after approaching the table, I would make an offhand comment like "I hope we are not violating the open-meetings law here."

Potentially, the discussion could be about current events or some general topic the manager has some interest in, and it would be embarrassing to be too defensive when the request to join them was quite innocent and friendly. Assuming, however, that the request is to talk about the potential public works director, I would make a comment that I would not mind getting advice from the councilpersons on an individual basis, but not as a group.

I would not bring up the charter in a confrontational manner to the councilmembers unless there is a history of charter violations that I feel needs to be corrected. After the coffee-shop meeting, I would make it a point to try and contact the councilmembers later in the day to see what they had to say. Elected officials are usually elected because they know the community well and are representative of the citizens.

To ignore their input on a candidate could be foolish. They may know some personal facts about either candidate that would not have shown up in the interview and reference-check process yet that may be germane. They may also hold an opinion that is contrary to what the manager is expecting (for instance, favoring the outside candidate but explaining how they can't say it in public).

I would make sure to contact all the elected officials and not just the three I ran into in the coffee shop. In the conversation, it should be made clear that the manager knows that the final decision is his or hers but that input from the council is valued.

When I was a new manager in a community, I had to hire a department head. The people I knew the best in the community were the members of the town council. After I had identified the leading candidate, I checked informally with the councilmembers to find out if there was any baggage relating to the candidate.

I found out some information that was invaluable to me. I also established a trusting relationship with the council that laid a foundation for what so far has been an excellent tenure. I would not ignore the advice of elected officials. Besides being our bosses, they are respected members of the community.

**—Richard Kerbel**  
**Town Manager**  
**North Kingstown, Rhode Island**

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This case presents a common but nonetheless difficult problem for many managers. The hiring of high-profile department heads often attracts the interest not only of elected officials but also of the community's residents. The consequences of making a poor decision in this case can be significant. Thus, it is essential that the city manager follow a rigorous process in hiring the right person as director of public works.

If the manager allows outside influences to creep into the process, and if this results in the hiring of a less qualified candidate or a candidate who is the wrong fit for the organization, the credibility of both the manager and the organization are jeopardized. Perhaps more significantly, the ability of the city to carry out its mission is challenged by having the wrong person in a key management position. Employees may begin to lose confidence that management will make sound decisions based on merit, and the morale of the organization may suffer. In this case, the credentials of the locally popular candidate are clearly not adequate for the position of director of public works.

In this scenario, three councilmembers have invited the manager to join them at their table in a public restaurant, presumably to discuss the director of public works position. I think it is most appropriate for the manager to politely decline the invitation to join them. She can explain that she and her assistant are there to discuss a few street management details they've just discovered, and that she would be glad to meet with the councilmembers in her office later.

It is important for her to follow up with the councilmembers and remind them that the responsibility for hiring department heads rests with the manager, and that it is not appropriate for elected officials, acting individually or as a group, to interfere with her in these personnel matters. It is also appropriate for her to remind the councilmembers that it is certainly not appropriate for her to engage in discussions about personnel matters in a public restaurant, where the conversation may be overheard.

Finally, she should remind the councilmembers that any information that is to be shared on this issue must be shared with all members at the same time. She should tell them that she is continuing to make progress in selecting the right candidate who is best qualified for the job, and that once the decision has been made, she will advise all councilmembers before announcing the appointment to the community.

It may be difficult for her to confront these elected officials in this manner. The manager's individual integrity and the integrity of the position, however, require that she maintain a strong position of not allowing elected officials to interfere in personnel issues.

**—Tom Fontaine**  
**Borough Manager**  
**State College, Pennsylvania**

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