



LEGISLATIVE COMMISSION ON INDIAN SERVICES

900 Court Street NE, Room 167
Salem, Oregon 97301-1347
(503) 986-1067

DRAFT MINUTES

Meeting Date: June 27, 2017

Meeting Location: Phone Conference and Room 167-A, Oregon State Capitol, 900 Court Street NE, Salem, OR

Members Present:

Dee Pigsley, Tribal Chairman, Confederated Tribes of Siletz Indians, LCIS Chair
Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of Indians, LCIS Vice-Chair
Jarvis Kennedy, Tribal Treasurer, Sergeant of Arms, Burns Paiute Tribe
Brenda Meade, Tribal Chairperson, Coquille Indian Tribe
Jody Calica, Tribal Council Representative, Confederated Tribes of Warm Springs
Don Gentry, Tribal Chair, Klamath Tribes
Arnie Roblan, Senator
Sherrie Sprenger, Representative
Jackie Mercer, CEO, NARA Northwest (non-voting)

Members Absent:

Cheryle Kennedy, Vice-Chair, Confederated Tribes of Grand Ronde
Mark Ingersoll, Tribal Chairman, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
Gary Burke, Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation
Ted Ferrioli, Senate Republican Leader (Legislative Business)
Caddy McKeown, Representative (Legislative Business)

Staff

Karen M. Quigley, Executive Director, Legislative Commission on Indian Services
Adrienne Fischer, Commission Assistant, Legislative Commission on Indian Services

In Attendance:

1. Lore Christopher, Employee Services
2. Karen Hupp, Employee Services

Welcome

Chair Dee Pigsley called the meeting to order at 4:00 p.m., and welcomed the members and guests.

Quorum established.

Dee Pigsley: The purpose of this meeting is to update and revise a job description for the LCIS Executive Director. You have all received several emails with drafts of the position description. It has been a lengthy process to get a draft together, because the job description hasn't been updated for several years. What is in place currently has worked because we've had people that made it work. We have received comments from Brenda Meade, Jackie Mercer, Dan Courtney and myself. We are looking for any additional comments. I've never seen a nine-page job description, but I am not familiar with the State's process. We can have discussion about what is contained in this draft job description and what needs to be added.

Senator Roblan: We can ask Ms. Huff what is generally included in a job description from the State's perspective.

Karen Huff: The format you see is the standard for every employee of the State. We try to stay consistent in that regard for all legislative employees. It contains information about the program, duties, essential job functions, working in a civil work place, working conditions, guidelines used, job related decision making, work contacts, review of the work, supervisory duties, work chart, minimum qualifications, and additional job related information.

Dee Pigsley: I think that all of that was in the draft position description that we received, along with a lot of additional comments. My question is, when would the additional comments be folded into the position description. What kind of process is that and how long does it take?

Karen Huff: That would be something that Lore Christopher will do when she comes back from vacation. Lore did leave comments in regards to minimum qualifications. If you screen your applicants too strictly, you will end up with few applicants when you recruit for a position. You want the qualifications to include as many people as possible. You can give preference for some of the qualifications that you specifically like. If you like all the changes, then Lore will add those things to the draft for your review.

Dee Pigsley: Because we've had some comments back and forth, the question would be what comments do others have.

[Lore Christopher joined the teleconference]

[Charles "Jody" Calica joined the teleconference]

Dee Pigsley: The question is does everyone agree with the additional comments to be included in the draft job description.

Sherrie Sprenger: I did not weigh in on the emails because I am new to the Commission and not sure what the job duties are. The one thing that did jump out at me was the minimum qualifications. I would have to agree that those are those are exclusive and they set the bar incredibly high. I have just recently gone through a hiring process with the state. It was hard to get enough people in the applicant pool and we did

not specify a law degree. I am concerned it will limit the people that can apply.

Lore Christopher: I just wanted to add that we did add a caveat that preference may be given for a law degree. You have that in there if that's what we're looking for. If there is anybody that you would ever consider hiring for this position that doesn't have a law degree, if you add the JD requirement, you will not get to see that person. The minimum qualifications are what they have to meet to move forward in the process. If you set those qualifications high, it means you will have fewer people qualify. There's nothing wrong with that, but it is something to be aware of.

Dee Pigsley: I agree. I was talking with a few folks and they said that there are tribal people out there that may not have a college degree, but may have a lot of experience to qualify. So I think that I like the idea of having a degree, but I think we should weigh job experience as much as we can.

Lore Christopher: Karen Hupp, are you still on the line? Could we add a caveat that said, "Demonstrated ability through experience to qualify?"

Senator Roblan & Karen Quigley: Yes, it is there.

Karen Hupp: We have five-years professional experience and the equivalent in work experience.

Lore Christopher: We usually put that in there because sometimes people may have 25 years of experience and just be finishing up their degree. We can qualify them in under that caveat and then if you want them to have a degree, you can give them time to complete that degree. We can write that in when we hire someone or make an offer. All of those things are possible, and it keeps the minimum qualifications very broad.

Senator Roblan: I like the idea of having preference given to JD, only because I don't we've ever had a director that didn't have one. I think it helps that person have credibility with all the agencies and sometimes it adds some gravity to it. However, I do agree that there may be some exceptional people out there that meet those qualifications. As Dee and others were saying, I wouldn't want to exclude the opportunity to have that conversation. I think that we should list a JD as a preference because it elevates the position.

Lore Christopher: We did list it Senator. It is listed as a preference. It is completely in the hands of the Commission to give or not give someone preference.

Jackie Mercer: I have a question. Lore, I don't know if you've had a chance to look at comments that we've all sent out in the last few days.

Lore Christopher: Only today commissioner, and I didn't see any problems with it, except I just wanted to caution you on making the JD a qualification.

Jackie Mercer: I totally agree and understand. I have had that exchange with our Chair today. My question is since the position is clearly a management/director position and that's the way it's been functioning, is there a minimum education requirement for that type of position?

Lore Christopher: Yes, it's a BA and that's what we have in there as a minimum qualification. In the State system, almost all management positions, maybe even down to supervisors, look for a bachelor's degree. So, we've got a bachelor's and five years of experience. What we're saying is that if you don't have at least that, we're not sure that you have the experience and the education that you will need in this job, but we've also got those two qualifiers in there. Then there is that little caveat that says, if you have demonstrated experience and education that we feel could meet the qualifications for this position, then we're going to interview you. As Senator Roblan says, that allows us to have to at least have a conversation. If the qualifications are set to high, you will not have an open door.

Jackie Mercer: I totally understand. I was just trying to clarify. If you were to make it too open, would it not be appropriate for a director or manager. I don't think we want to go...

Lore Christopher: No, because it is its own independent agency, so that's always going to be a director level position and I don't think you want to eliminate the bachelor's degree. Like I said, because we have those caveats in there, you could still have a conversation. If the person doesn't have a bachelor's degree yet, and that's the person you would like to hire, you could ask that they complete a bachelor's degree by a certain time.

Senator Roblan: My feeling after looking at this document is that Jackie's version was simpler with a lot more space, which made it easier to read quickly. I appreciate that. I think that the other one that we got originally, was too wordy. We need to figure out how to make it simpler. Lore, this is a question for you: can we make a job description that is simpler and has the caveat at the end explaining what we've talked about. This is a unique directorship, working with nine Federally recognized separate nations along with our state government. That's a unique position.

Lore Christopher: If you read section one or two, we took that right out of the ORS definition of LCIS. There's a preamble in the duties section, and it is a great place to add to the context if you would like to.

Senator Roblan: In regards to the clarifying language of the different duties, if you put too many in, then people will think that's the sum total of the position. I would love for people to understand that one of the unique things about this job is that when you develop your relationship with one tribe and get to know what their connection to their land is, what their connection to their people is, you have learned about only one tribe. Now you have eight more to talk to and understand. Plus, you've got another group of Native Americans who live in our State and that Jackie is involved with, that represent Tribes from all over the Nation. It is an exceedingly interesting combination. I just want to make sure that whoever is reading this description, understands what our expectation of them is in learning their job. We're going to find some people who have a lot of expertise, but I don't want to get someone who thinks they know it all, because that would be bad in my opinion. We learn every time we come to a Commission meeting how much we don't know about everyone else sitting at that table and I want...

Lore Christopher: I think it would be good to, in regards to Commissioner Mercer's additions, to work with Karen Quigley and make sure that we hit every one of those points. She put together almost all the duties, so I'll work with Karen and make sure that we have that represented in all the duties. If we feel that it doesn't belong in the duties section, then we can put it in the contextual language to make sure that folks understand.

Senator Roblan: Does that make sense to people?

Dee Pigsley: Yes, that sounds good.

Jackie Mercer: Yes.

Lore Christopher: If you will give the authority to Karen Quigley and I to incorporate those approved items to the position description, then I can get a draft to her so we can make sure it happens for you.

Dee Pigsley: That sounds very good. Do we as the Commission need to approve anything right now other than...

Lore Christopher: You do. "With these suggested amendments, this is our position description." It doesn't have to be the final because we are going to incorporate your amendments into it. So, "with those amendments, this is our final position description." Karen and I will work together to complete it. That will only take a couple of days. I am in tomorrow, so I can probably work on it tomorrow or Thursday. Then, it can go into the State classification system. We need you to say, "yes, this is our position description," so that we can get it into the State classification system.

Dee Pigsley: Ok, so having said that, a motion would be in order to approve this draft position description with the understanding that Karen will work with Lore to come up with the final draft.

Lore Christopher: To get all the additions that have been suggested, because there wasn't anything in there that won't work. If all of you are in agreement, we can work all of that into a position description.

Senator Roblan: So after that gets done and you come up with a draft, I think it needs to go out to every one of the Tribes and find out whether we all agree on the final one. Is that part of what you do Lore?

Lore Christopher: We could do that. Absolutely Senator. We were hoping that we could get your approval today that this is going to be our final position description so that we can also start classifying it at the same time. What I would like to do, if you would allow it, Karen and I will work together to incorporate all your edits into a final version. I'm hearing you say "yes, we all agree, this is what we want it to be with those additions." We'll get the classification done and then, we have to come back to you again to say this is where we feel it should be classified in the State system, and have you approve that. At that time, we can have the real final, then you would see what the position description looks like with all of those additions incorporated into it. You would need to approve that, and you would also approve the classification that we assigned it.

Senator Roblan: So on the classification thing, is there criteria around classification that you use to figure out where that classification is. It would be good for us to understand what those are, because I think this is a unique enough position. I can see a director with a thousand people beneath them being considered differently than one with one-hundred people beneath them, but I don't know of any other place that has nine nations to work with. So how we figure out that classification is going to be important.

Lore Christopher: It is important. I think that education is one of them, experience and unique qualifications, which is what we've been talking about most of the time through the development of this position description. The unique qualifications of this position. This position is a unicorn. There is only one of them. The scope of authority. How much authority do they have? How much responsibility do they have

and how does that impact the State of Oregon? All those things contribute to the classification for that position and that it is the director of an agency. It is an independent State of Oregon Agency.

Senator Roblan: It is an interesting agency because it is not an executive branch agency, it is a legislative branch agency and that makes it unique.

Lore Christopher: So, if you can give us approval and in that motion just add that you are going to allow Karen and I to add in all of the suggested edits, we will classify it, and we will come back to you, maybe next week, if not, maybe the week after, to say this is where we think it should be. We can have another conversation so you'll see how we have incorporated your edits into it, and you'll approve both of those items.

Karen Quigley: Lore, thank you for your help with this. Just one question and clarification. When I was hired in 1995, the position was called Executive Director on the job position recruitment. The other day, you had the draft marked up and replaced Director with Executive Officer. Can you explain what that distinction in the title means?

Lore Christopher: There really is not a distinction between director and officer. It was listed as Officer in ORS so we thought it was better to stay consistent with the law and the law said that the Commission would hire an Executive Officer. It has all the powers and authority that a Director would have in terms of hiring, firing, disciplining, rewarding, setting strategies for the agency, putting forward policy options for the Commissioners to consider. It has all that responsibility even though it's called an Officer, the word Officer will have no distinction different from Director.

Dee Pigsley: A motion would be in order.

Jody Calica: I would like to make that motion.

Don Gentry: I second that motion.

Dee Pigsley: Great. Is there any further discussion on the motion? Hearing no discussion, are you ready for the question? I believe that we vote by roll call.

Dee Pigsley - Yes
Dan Courtney - Yes
Jarvis Kennedy - Yes
Brenda Meade - Yes
Jody Calica - Yes
Don Gentry - Yes
Arnie Roblan - Yes
Sherrie Sprenger - Yes

The motion is approved.

Lore Christopher: We will get working on that for you Commission and get it back to you as soon as we can, no later than two weeks.

Dee Pigsley: Thank you for all your help and thank you Karen for your work and Jackie for weighing in, and Brenda, and Dan. I would entertain a motion to adjourn this meeting.

Karen Quigley: Thank you all, and in particular, for taking time out of your busy day to get on the phone today.

Chair Pigsley adjourned the meeting at 2:40 p.m.

Attachments:

1 – Draft Position Description for LCIS Executive Director

DRAFT