

# Council-Executive Director Delegation Policies Quadrant

Quadrant 2 of 4

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# Definitions

*Council* refers to the governing Council as a whole

*Council members* refers to the individual governor-appointed members who are part of the Council

*Staff* refers to the employees of MCD, either individually or as a whole

*Agency* refers to the entire organization of MCD as a whole

# Council-Executive Director Policies

This quadrant of policies defines how authority is given to the Executive Director and agency performance is monitored by the Council.

## **Policy 2.0 Executive Director Authority**

The Executive Director is the Council's only link to the operation of the agency and the agency's actions. The Executive Director is responsible for the staff and the Council has no authority over the staff. Accordingly:

### **2.0.1 Limits of Council Authority**

The Council will not give work instructions to staff who report directly or indirectly to the Executive Director.

### **2.0.2 Staff Evaluation**

Neither Council nor Council members will evaluate, either formally or informally, any staff other than the Executive Director.

### **2.0.3 Executive Director Performance**

The Council will evaluate the performance of the Executive Director by reviewing whether the agency has achieved the goals set by the Council in its End Results policies and whether the Executive Director has violated the Council's Executive Limitations policies.

# Policy 2.1 How Authority is Delegated to the Executive Director

The Council communicates authority and direction to the Executive Director through written policies that set the agency goals to achieve and prevent agency issues. The Executive Director uses any reasonable interpretation of these policies. Accordingly:

## 2.1.1 End Results Policies

The Council will develop policies instructing the Executive Director on the specific results, recipients, and investment of resources. These policies will be created from the broadest, most general level to more defined levels and will be called End Results Policies.

## 2.1.2 Executive Director Authorization

As long as the Executive Director *reasonably interprets* the Council's End Results and Executive Limitations policies, the Executive Director is pre-authorized to create operational policies, make decisions, take actions, establish practices, and pursue activities. The decisions of the Executive Director will have the full force and authority as if these decisions were made by the Council.

## 2.1.3 Policy Changes and Interpretation

The Council may change its End Results and Executive Limitations policies. When this happens, the Executive Director's authority and/or instructions to staff may change. However, the Council will respect and support the Executive Director's new choices.

## 2.1.4 Policy Violation Communication

If the Executive Director believes it is necessary to violate Council policy, they will immediately verbally inform the Council Chair or, in their absence, another officer of the Council. Then the Executive Director will inform the entire Council in writing right away. This communication is not meant as a request for approval and does not excuse the Executive Director from future Council judgment of that action or from other consequences. Similarly, Council member responses, either approving or disapproving, will not block any Executive Director decision.

## Policy 2.2 Monitoring the Executive Director's Performance

The Executive Director's job performance will be based upon: 1) organized, in-depth, written monitoring of the results expected from the Executive Director, 2) the agency's accomplishment of End Results policies, and compliance with the Executive Limitations policies. Monitoring will be as automatic as possible, using a minimal amount of Council time so that meetings can be used to discuss the future rather than review the past. Accordingly:

### 2.2.1 Monitoring Purpose

Monitoring is simply to determine the degree to which Council policies are being met. Information that does not do this is not to be considered monitoring information.

### 2.2.2 Monitoring Options

The Council will obtain monitoring information by at least one of three possible methods:

**Internal Report:** The Executive Director reports their interpretations of policies and compliance information about the policies to the Council.

**External Report:** A neutral, independent auditor will be chosen by the Council and will report on the Executive Director's performance in compliance with the Council's policies to the Council.

**Direct Council Inspection:** This is an inspection of documents, activities, or situations done by the Council that allows a "reasonable person" test of policy compliance.

### 2.2.3 Monitoring Report Judgement

In every case, the Council will decide the answer to two important questions:

#### 2.2.3.1 Reasonable Interpretation Assessment

Is the Executive Director's interpretation of the Council policies reasonable?

#### 2.2.3.2 Evidence and Data in Support of Interpretation

Does the evidence or data in the monitoring reports support the operational interpretation used by the Executive Director?

### 2.2.4 Reasonable Interpretation

In every case, the standard for compliance shall be *any reasonable interpretation* by the Executive Director of the Executive Limitation or End Result policy being monitored. The Council will always evaluate the operational interpretation with a "reasonable person" test rather than how the *Council* would have interpreted the policy. In other words, would another person approaching the situation with caution and sensibility have a similar interpretation? If the Executive Director's operational interpretation is reasonable but has an impact that was not intended by the Council, then the Council can consider clarifying and updating their policy.

## 2.2.5 Monitoring Methods and Table

Any policy can be monitored by any method at any time. However, each End Results policy and Executive Limitations policy will be organized by the Council according to how often it should be monitored and which of the monitoring options will be used. The Council will follow the schedule on the following page.

## 2.2.6 Policy Monitoring Schedule

**Table 1: Policy monitoring schedule**

Policy Number	Policy Title	Method of monitoring	Frequency	Month
3.0	Global E.D. Limitation Policy	Internal Report	Annually	February
3.1	Treatment of External Organizations, Agencies, and Community Groups	Internal Report	Annually	August
3.2	Treatment of Staff	Internal Report	Annually	October
3.3	Respectful Workplace	Internal Report	Annually	October
3.4	Ongoing Council Financial Health	Internal Report	Quarterly	February, June, August, December
3.5	Financial Planning: Operating Budget and Legislative Requests	Internal Report	Annually	December
3.6	Asset Protection	Internal Report	Annually	April
3.7	Emergency E.D. Succession	Internal Report	Annually	April
3.8	Communication and Support to the Council	Direct Council Inspection	Annually	August
4.0	End Results Policies	Internal Report	Annually	February
4.1	Efforts by agencies and organizations serving people with disabilities are better coordinated and more effective	Internal Report	Annually	June



<b>Policy Number</b>	<b>Policy Title</b>	<b>Method of monitoring</b>	<b>Frequency</b>	<b>Month</b>
4.2	The public has a better internal advocate in state government	Internal Report	Annually	December
4.3	Legislative and Executive branch leaders and staff are informed and equipped to act inclusive of the interests of people with disabilities	Internal Report	Annually	June
4.4	The public has an accessible source for disability rights and potential legislation that impacts people with disabilities	Internal Report	Annually	April

## **Policy 2.3 Executive Director Compensation**

The Council will determine Executive Director earnings by following state regulations, and earnings will be within the classification range of the position. The classification will be determined and updated by SmART's Human Resources. Accordingly:

### **2.3.1 Earnings Components**

Earnings will cover the entire range of salary, benefits, and all other types of earnings consistent with the state's Human Resources policies.

### **2.3.2 Competitive Earnings**

Earnings will be competitive with similar positions at organizations of comparable business nature, size, challenges, and complexities.

### **2.3.3 Compensation Review**

A review process, which can be assigned to a committee, can be used to gather compensation package information and to provide options and their results to the Council for its decision.

## **Policy 2.4 Executive Director Termination**

The authority to fire the Executive Director is granted to the Council by state law. The Council can receive support and guidance by SmART's Human Resources. The authority to dismiss the Executive Director cannot be delegated to any individual Council member or committee. Accordingly:

### **2.4.1 Decision Process**

The decision process will include performance information from monitoring reports. The Executive Director's performance is connected to the achievement of Council policies.

### **2.4.2 Negotiated Terms**

The Council may choose to terminate the Executive Director for other reasons but must negotiate the terms of the termination or follow whatever requirements have been made by the employment contract.

### **2.4.3 Committee Role**

A committee process can be used to gather information and options to present to the entire Council if the Council has concerns about the work or behavior of the Executive Director.