

C. Orob  
1/26/16

Res. 19055

**EMPLOYMENT AGREEMENT**

This Agreement is entered into as of the 26<sup>th</sup> day of January, 2016, by and between Jackson County, Missouri, herein after referred to as "the County," and Robert D. Murphy.

WITNESSETH:

WHEREAS, the County, through the County Executive, is desirous of engaging the services of Robert D. Murphy to serve as the County's Director of Assessment; and,

WHEREAS, Robert D. Murphy, is well-qualified for this position and is desirous of undertaking the professional duties of said position;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is agreed by and between the parties as follows:

I. Term.

The County hereby engages the services of Robert D. Murphy to serve as its Director of Assessment, for a term commencing December 14, 2015, and terminating on December 31, 2016. After the initial term, Robert D. Murphy's employment may be renewed by mutual agreement of the parties, upon such terms as the parties may agree.

II. Employment.

For all purposes, County shall treat Robert D. Murphy as an officer and employee of the County and shall pay the employer's share of social security contributions and make appropriate deductions from the biweekly payments required under paragraph III(A) hereof for federal, state, and local taxes, and any other applicable taxes, fees, and

**FILED**  
JAN 25 2016  
MARY JO SPINO  
COUNTY CLERK

assessments, as well as for any benefits which the County offers to its employees, in which Robert D. Murphy elects to participate. Robert D. Murphy's employment with the County shall be governed by Missouri law and the Jackson County Charter, Code, and Personnel Rules, unless otherwise specifically provided herein.

III. Compensation.

A. For the entire term of this Agreement, Robert D. Murphy shall be paid for his services the base sum of \$100,000.00 annually, payable bi-weekly. In the event that the County grants a cost-of-living increase to all or nearly all of its employees, Robert D. Murphy shall be entitled to receive that cost-of-living increase as well. In the event that the County creates a "merit pool" for employee merit salary increases, Robert D. Murphy shall be entitled to receive a merit increase no greater than the average increase for employees within the pool, provided that any such increase must be justified by Robert D. Murphy's employee evaluation. The County Executive shall have discretion to increase Robert D. Murphy's salary in any manner consistent with the County's personnel rules and procedures.

B. In lieu of submitting invoices for business use of his personal vehicle, Robert D. Murphy shall receive an automobile allowance in the amount of \$3,000.00 per year.

C. Without regard to the length of Robert D. Murphy's actual employment with the County, Robert D. Murphy shall earn vacation leave authorized under the County's Personnel Rules at the rate of four weeks (20 days) per year. One week (5 days) can be used during the first ninety (90) days of employment. Robert D. Murphy's accrual and use of vacation leave shall otherwise be governed by said

Personnel Rules.

D. The County shall provide Robert D. Murphy a cellular telephone for business use. Alternatively, Robert D. Murphy shall be entitled to an allowance of \$55.00 monthly for his business use of his personal cellular telephone.

IV. Duties.

Robert D. Murphy shall perform all duties and exercise all responsibilities set out by the Missouri Constitution and Laws and Jackson County Charter, Code, and Personnel Rules for the office of the Director of Assessment. A copy of the current job description for this position is attached hereto as Exhibit A. In the event that the responsibilities of the position of Director of Assessment due to County asset reorganization, then the parties shall meet to discuss and negotiate whether or not Robert D. Murphy's compensation should change.

V. Termination.

This Agreement may be terminated by either Robert D. Murphy or County as follows:

A. Upon Robert D. Murphy's termination of the Agreement through a written resignation, upon death of Robert D. Murphy, or upon finding of a permanent disability of Robert D. Murphy, no severance shall be due.

B. The County may terminate the Agreement without cause. In that event, the County shall pay Robert D. Murphy a severance allowance equal to six (6) months' salary, payable within 15 days of the date of termination.

C. The County may terminate the Agreement for cause. If Robert D. Murphy is terminated for cause, the severance payment outlined in subparagraph B

above shall not be paid to Robert D. Murphy. "Cause" in this Agreement means:

- (i.) An intentional act of fraud, embezzlement, theft or any other material violation of law that occurs during or in the course of Robert D. Murphy's employment with the County;
- (ii.) Intentional damage to County's assets;
- (iii.) Intentional disclosure of County's confidential information contrary to the County's policies;
- (iv.) Breach of Robert D. Murphy's obligations under this Agreement;
- (v.) Intentional engagement in any competitive activity which would constitute a breach of Robert D. Murphy's duty of loyalty or of Robert D. Murphy's obligations under this Agreement;
- (vi.) Intentional breach of any of County's policies;
- (vii.) The willful and continued failure to substantially perform Robert D. Murphy's duties for County (other than as a result of incapacity due to physical or mental illness); or
- (viii.) Willful conduct by Robert D. Murphy that is demonstrably and materially injurious to the County, monetarily or otherwise.

For purposes of this paragraph, an act, or a failure to act shall not be deemed willful or intentional, as those terms are used herein, unless the act is done, or omitted to be done, by Robert D. Murphy in bad faith or without a reasonable belief that Robert D. Murphy's action or omission was in the best interest of County. Failure to meet performance standards or objectives, by itself, does not constitute "Cause." "Cause" also includes any of the above grounds for dismissal regardless of whether the County learns of it before or after terminating Robert D. Murphy's employment.

D. In the event of termination of the Agreement, Robert D. Murphy shall be paid any compensation and benefits which would be due a County employee terminated under similar circumstances, pursuant to the Jackson County Personnel

Rules.

VI. Construction.

This Agreement shall be construed under the laws of the State of Missouri.

VII. Severability, Waiver, and Modification.

The invalidity or inability to enforce any provision hereof shall in no way affect the validity or enforceability of any other provision. Failure to insist upon strict compliance with any terms, covenants or conditions of this Agreement shall not be deemed a waiver of such, nor shall any waiver or relinquishment of such right or power at any time be taken to be a waiver of any other breach of this Agreement. Further, any waiver, alteration, or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement, shall not be valid unless in writing and signed by the parties.


VIII. Annual Appropriation.

Funds necessary to meet any and all financial obligations incurred by the County herein are subject to appropriation in the County's 2016 and future years' annual budgets.

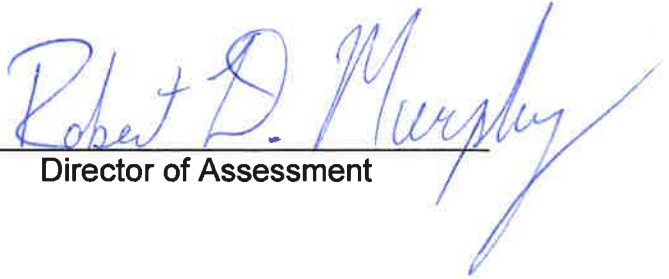
IX. Incorporation.

This Agreement incorporates the entire understanding of the parties.

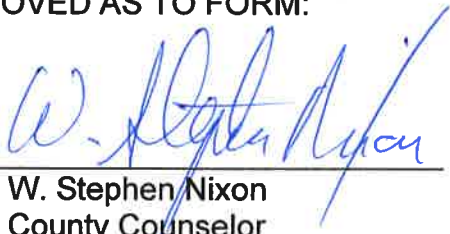
JACKSON COUNTY, MO

By   
Frank White, Jr.  
County Executive

ROBERT D. MURPHY

By   
Director of Assessment

APPROVED AS TO FORM:

By   
W. Stephen Nixon  
County Counselor

ATTEST:

  
Mary Jo Spino  
Clerk of the Legislature

# EXHIBIT A

## JACKSON COUNTY JOB DESCRIPTION

TITLE: Director of Assessment                      PAY LEVEL: G99                      CODE: 1902-02906-001  
WORKING TITLE: Director of Assessment                      FLSA: EX                      DATE: 05/18/2012  
DIVISION: Administration                      DEPARTMENT: Assessment  
BARGAINING UNIT POSITION: No                      CIRCUMSTANCE: Review  
LOCATION: Jackson County Courthouse                      ANALYST: Michelle Chrisman

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### PERCENTAGE OF TIME

### ACCOUNTABILITIES

45%	1. Administration of assessment functions.
35%	2. Organizational administration.
15%	3. Appraisal appeals.
5%	4. Department budget.

### SCOPE:

The employee in this position is responsible for the direct supervision and oversight of the Assessment Department, in include the organizing, planning, and assignment of all work projects related to the biannual update of over 260, 000 real estate parcels and the annual assessment of 300,000 personal property accounts and 24, 000 business personal property accounts. Supervises six section managers, and oversees a staff of 98 with an annual budget of over \$4,600,000. This employee reports directly to the Chief Administrative Officer.

### KNOWLEDGE AND SKILLS: (\*Required prior to employment)

1. Knowledge of department policies and procedures.
- \*2. Knowledge of modern management principles, practices and techniques such as motivating, delegating, planning, evaluating and organizing work.
- \*3. Knowledge of all types of appraisal, assessment and mass appraisal procedures and techniques for developing and implementing into Jackson County Assessment Department.
- \*4. Knowledge of real estate appraisal theories, principles, practices and techniques.
- \*5. Knowledge of computer-assisted mass appraisal techniques (CAMA).
- \*6. Knowledge and skill in presenting information before the Board of Equalization, State Tax Commission, or State and Federal Courts defending the County's valuation and Assessment policies.
- \*7. Knowledge of Federal, state and local laws, statutes and ordinances governing property taxes.
- \*8. Knowledge of philosophy and rationale for County and State Tax Equalization for apportionment and allocation of the tax burden.
- \*9. Knowledge necessary to prepare biannual reassessment plans and carry out state mandated reassessments.
- \*10. Knowledge of abatement types and procedures as they relate to the Assessment Department.
- \*11. Knowledge of the principles and practices of statistics with particular reference to their application to financial and operational activities and property valuation.
- \*12. Knowledge of County personnel rules and procedures for hiring, payroll, discipline and termination; knowledge of the rules and procedures of the Merit System Commission.
- \*13. Knowledge of all current laws, procedures and computer applications relating to local property taxation.
- \*14. Skill in coping with tax-related problems of elderly, disadvantaged, special interest groups, state and local legislators.

KNOWLEDGE AND SKILLS: (Continued)

- \*15. Skill in effective communication skills (verbal and written) for accurately conveying knowledge or instructions to, or requesting information from, others.

HUMAN RELATIONS:

1. As requested, presents taxation program to general public, organized neighborhood, civic, service and professional organizations, state and local governmental officials, business leaders of the community and corporate property tax representatives.
2. Solicits technical and economic information from persons involved in local real estate and business community.
3. Communicates with school boards and other taxing jurisdictions concerning the Assessment Department's final values.
4. Responds to personal, telephone, and written inquiries by providing information to the public on the methods and procedures used by Jackson County to assess all kinds of real and personal property. Provides information on appeal procedures to taxpayers wishing to formally appeal property assessments.
5. Discusses, in person and via telephone, with representatives of major commercial and industrial properties, the methods and procedures used to assess specific properties. Reviews requests for lower assessments and attempts to reach agreement concerning proper assessments.
6. Deals with State Tax Commission in order to comply with state tax laws; administers rules and fund reimbursement; presents County's position at State Tax Commission and Board of Equalization hearings; implements decisions of each administrative body.
7. Provides evidence and opinion to the County Board of Equalization and the State Tax Commission on County tax appraisals and on Commission policies and suggestions on personal and real property assessments; presents County's position on same and develops policies and procedures for implementing eventual decisions.
8. Apprises Manager of Operations on progress of Equalization Program and other tax matters, affecting the County.
9. Responds to inquiries from County Legislators, other public officials and members of the business community to answer questions and resolve problems within the position's authority; refers some problems to Director of Operations as appropriate.
10. Discusses problems with subordinate personnel as needed and at regularly scheduled intervals in order to implement policies, identify problems, develop solutions, and adjust minorities and resources.
11. Contacts other Department/Division heads for consultation of special projects, i.e., automated information systems, real estate records and legal issues.
12. Presents County evidence at Merit System Commission appeal hearings to justify actions taken against them.
13. In meetings with employees, advises and counsels on work-related problems; praises performance and adjusts employee behavior as necessary; conducts performance appraisals and awards pay increases on merit.
14. Attends national, state and regional conferences on assessment.



ILLUSTRATIVE TASKS: (This is not an inclusive list; other duties/tasks may be assigned)

1. Assigns, directs and reviews the work of subordinate personnel; establishes long-range schedules, priorities and deadlines for regular and special work assignments. Delegates to supervisory personnel the authority and responsibility for administering routine activities of the Section; answers questions and provides assistance when necessary. Provides authorizing signatures on business requiring it before going up to higher authorities (e.g. Board of Equalization, purchasing, payroll, State Tax Commission, legal certifications, etc.).
2. Implements Manager of Operations policies, ordinances and resolutions of the Legislature; and in consultation with Manager of Operations develops policies and procedures, sets priorities, etc., to be implemented in the Assessment Department.
3. On own initiative, or at the request of the Manager of Operations, develops guidelines and recommendations on special tax services such as abatements, exemptions, leasehold improvements, etc., for consideration by the Manager of Operations, County Executive or County Legislature as appropriate.
4. Reviews appraisals of the larger and more complex properties of the County in order to provide additional technical expertise.
5. Meets with taxpayers, attorneys, and representatives to negotiate settlements of Board of Equalization and State Tax Commission Appeals.
6. Insures compliance with Federal, State and local government laws regarding personal and real property evaluation by using knowledge of all such laws in designing policies, procedures, training, staffing the organization, and obtaining sufficient resources.
7. Receives and reviews progress reports from subordinate personnel for purpose of identifying progress and problems; reviewing changes to priorities, policies, procedures, scheduling and staffing, makes recommendations as appropriate; implements changes.
8. Organizes department for improved efficiency by analyzing changing needs and reassigning tasks and responsibilities; major changes in policies, direction or resources are made with the approval of the Managers of Operations and County Executive as appropriate.
9. Recommends legislation to the Manager of Operations relating to tax assessment at local and State level; may testify at State or County Legislature.
10. Prepares contractual agreements by assisting in procurement of professional contracts for Assessment department; administers compliance with contracts.
11. Develops technical procedures and administrative policies for the Department.
12. In consultation and with the advice of the MIS Department, assesses and makes recommendations regarding computer hardware, software and other automated systems.
13. Develops or assigns development to others, informational material to be circulated as intra-departmental publications to employees and/or supervisors concerning almost any technical and supervisory subject.
14. Develops policies and requirements for internal training program as needed; delegates and supervises development and implementation of same.
15. Performs a variety of personnel administration functions; interviews, selects, counsels, evaluates, recommends promotions, awards and status changes, schedules and approves leave, enforces rules for supervisory personnel. Reviews and approves same for all department employees.
16. Prepares departmental budget recommendations to the Manager of Operations. This is an on-going process that involves evaluating current personnel – functions, effectiveness and efficiency; determines projected goals; analyzes goals and determines possible alternatives for achieving goals; evaluating and ranking of goals and alternatives. Determines organizational manpower requirements based upon work projections and provides cost and budget analyses to Manager of Operations for the annual budget.
17. Develops and implements procedures necessary to perform biannual reassessment.

ENVIRONMENTAL DEMANDS:

Approximately 85% of the work is performed in a modern office setting. The remainder is spent in travel or in visiting various business and industrial locations. Travel is occasionally required during inclement weather.

MINIMUM QUALIFICATIONS:

Must have a Bachelor's of Science or Art Degree, with a MBA being preferred. Must have at least ten years experience in real property appraisal, and at least three years experience in supervising an assessment program. A professional designation in assessment administration is preferred. Must have at least 160 hours of real estate appraisal courses and a course in appraisal standards and ethics. Must submit to/pass pre-employment background and drug screen. (Also refer to the asterisks (\*) in the KNOWLEDGE AND SKILLS sections of this job description)

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Review for accuracy:

\_\_\_\_\_  
Incumbent

Date \_\_\_\_\_

\_\_\_\_\_  
Appointing Authority

Date \_\_\_\_\_

**JACKSON COUNTY JOB DESCRIPTION -- ADA/PHYSICAL DEMANDS FORM**

**JOB TITLE:** Director of Assessment

**PAY GRADE:** G99

**CODE:** 1902-02906-001

**DIVISION/DEPARTMENT:** Administration/Assessment

**DATE:** 05/18/2012

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PHYSICAL DEMANDS - Check demands that apply and describe what is required to perform the essential job functions. (This is not an inclusive list; other tasks/duties may be assigned)

- X **VISION** - Must be adequate for viewing and using computer terminal, and for reading letters, forms, documents, and computer printouts.
- X **HEARING** - Must be adequate for normal conversation with employees and telephone communication.
- X **SPEECH** - Must be able to speak and understand English clearly to provide detailed information by telephone and in person.
- X **STANDING** - 5 % of the time – Required occasionally.
- X **WALKING** - 10 % of the time – Required when reviewing work in area or going to other departments. Must be able to negotiate stairs to 1-m in Kansas City Courthouse.
- X **SITTING** - 85 % of the time – Required when reviewing department work products, correspondence, and other duties.
- X **LIFTING/CARRYING** - 20 lbs. - Required when lifting files, office supplies, and reports.
- X **PUSHING/PULLING** - 10 lbs. – Required when office supplies, and reports; and when opening and closing file cabinet drawers and doors.
- X **CLIMBING/BALANCING** - Required when negotiating stairs.
- X **STOOPING/KNEELING/CROUCHING/CRAWLING** - Required when retrieving or filing from lower drawers or when retrieving items, office supplies, etc., from the floor.
- X **REACHING/HANDLING** - Required on most tasks.

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Reviews for accuracy:

\_\_\_\_\_  
Incumbent

Date \_\_\_\_\_

\_\_\_\_\_  
Immediate Supervisor

Date \_\_\_\_\_

\_\_\_\_\_  
Appointing Authority

Date \_\_\_\_\_