
VILLAGE OF OAKWOOD
COUNCIL HRLMC MEETING MINUTES
September 24, 2019

PRESENT:

Johnnie Warren – Council President*
Eloise Hardin – Ward 2**
Anthony Akins – Ward 3
Candace Williams – Ward 5
Ami Imbrogno – Law Department

Elaine Gaither – Council at Large
Chris Callender – Ward 1
Patricia Rogers – Ward 4*
Mark Garratt – Police Chief

ABSENT:

Jim Climer-Law Department

* Arrived after roll call

**=Chairperson

Hardin opened meeting at 6:20pm

Employee Handbook

Ami Imbrogno resumed on page 18. Probationary Period does not guarantee employment for 90 days which was added by Jim Climer. Required contributions was also added by Jim. **Hardin** asked about secondary probationary period. Each time you move, you have a 90-day probationary period. **Ami**: Yes.

Classes

Hardin asked about classes. **Garratt**: An employee who is part-time but works over 20 hrs. and one who works under 20 hrs. are entitled to two different criteria. The one who works over 20 hrs. is entitled to some vacation. Police are under contract, but the auxiliary officers and civilian employees are not. Part-time employees who have worked over 20 hrs. a week in the preceding year are entitled to vacation time. The Employee Handbook does not specify the amount of vacation they are entitled to. That is the biggest issue. **Williams** asked the max on part-time. **Garratt**: One is 20 up to 39 and the other is 20 hrs. Auxiliary part-time employees will sometimes exceed 80 hrs. in a pay period, but that doesn't happen often. It takes into consideration the entire previous year. **Williams** asked if the 20-39-hour employees were created for Auxiliaries. **Garratt**: No. **Hardin**: Is there somewhere where Classes are clearly stated? **Garratt**: Class III Employees work at least 20 hrs. **Hardin** asked if we could simplify that. **Williams**: Why do we have two different Classes for 20 hrs. and 20-39 hrs.? **Garratt**: Service Dept. may have employees 2-3 months who work more hours. This was drawn up many years ago. **Williams**: What is the standard less than 20 hrs. elsewhere? **Garratt**: I know Police. In the Fire Dept. we have 70 part-time employees. **Williams**: They are not part of your contract but this handbook. **Garratt**: Correct. We have to narrow our search down to other municipalities who have part-time personnel. This is probably how this was drawn up. **Williams**: I would like to look at that. **Ami**: I can inquire of other Villages. **Williams**: I can see Fire, but do we offer vacation and benefits to them? **Garratt**: Just vacation. **Hardin**: As we keep going through this, it constantly refers to Classes. **Garratt**: That involves two Classes. Another Class is newly promoted or newly hired full-time until probationary period is over, then they move to the second Class. **Williams** asked why there is a separate Class for probationary. **Garratt**: That is how it is identified. **Williams**: We made it complicated. **Garratt**: We need to make it simple. I see five Classifications. That is your call. **Callender**: Why not make it full-time and part-time. **Williams**: If you are under probation, then you are just under probation. **Hardin**: This is the meat of why we are here; to clarify the Classifications. **Ami**: It sounds like we need to figure out what each Classification is entitled to and why they are identified as they are. I don't see a difference between probationary employees and non-probationary employees, there could be. **Garratt** requested stipulating Class I is full-time and after 90 days you are off probation and entitled to xyz. Then part-time is entitled to whatever after 20 hours, etc. Newly promoted could still be under Class I but being promoted with a probationary period doesn't change your benefits. **Williams** asked why do you start a probationary period after newly promoted. **Garratt**: If you don't fit that position, you could be put back in your previous position. We had a person go from part-time to full-time who was on probation, however, they were not considered a newly hired employee. An

employee was up for termination but couldn't be, because they had to be reduced to the previously held position first, which was an issue for us. **Gaither:** If I am hired in as a Clerk Typist and I am excellent at that. Then, I apply for a Secretary position and get it. I am still on probation 90 days to see if I perform. If I do not, then what happens? **Williams:** That is only Police. We are at-will. **Gaither:** Can I perform? In the government, they are not firing you, they are reducing you. **Williams:** That is only with Police. **Gaither:** No, its not. **Garratt:** The probationary structure you have now is not necessarily a bad thing for the example you just gave. You can then put that person back to Clerk Typist. Maybe you were fine with that position. **Williams:** Is it not a requirement for us or Police? **Garratt:** It wasn't written. If you go to arbitration, they look at your first level of discipline, was it termination? If I am not fair, they will give that position back to the person. We do something from part-time to full-time a newly hired position. I can hire from the outside too. **Williams** asked if he is an at-will employee. **Garratt:** No. **Williams:** Do we have to do another 90-day probation. **Ami:** It is similar because even for at-will employees, you want to be as consistent as possible. When you go to litigation and they are looking at you just terminating someone at 15 days and you gave another person 90 day, that could signal discrimination. It is always a good idea for employers to have a probationary period. **Williams:** We have newly promoted; does it have to be a separate class. **Garratt:** You would be in the same Class. **Ami:** You are wanting only a few Classes but outline probationary periods. **Garratt:** Correct. It is confusing when you read about the different Classes. **Ami:** There may be a better way to draft this if there were less Classes. **Hardin:** I would like to see full and part-time. **Garratt:** Let's say I don't like Mr. Callender. I want to fire him; however, I am going to promote him, and he will go on probation, then I don't really need a reason to fire him. I have seen that done in other cities. **Hardin:** To protect Mr. Callender, you can't fire him but take him back. **Garratt:** To the last held position. If it goes to a Civil Suit and he sues, the Village will end up in litigation with a jury. If you terminate someone who is promoted and put under probation, then fired, I can guarantee it will go to litigation. **Hardin:** So, we need it in writing. **Garratt:** We could just put on probation. **Williams:** We can make that a case by case issue. **Hardin:** I am a manager; how would I know I have the latitude to send them back to their previous position if it isn't written? **Garratt:** What does probation mean? **Hardin:** How I perform in a position. **Garratt:** Why do you have that? You should stipulate what probationary period is for and what it entails. You can have it and/or leave the position or go back to the previously held position. **Hardin:** I want it documented. **Garratt:** I would have Ami or Jim come up with the legal dialogue. **Ami:** You want two Classes and spell out the details of probationary periods and later talk about vacation and benefits. **Hardin:** Yes. **Callender:** Do we want a third Class for seasonal or temporary? **Ami:** I will check with Jim on that. **Hardin:** Do we have any temporary? **Clerk:** We have summer help. She will work 40 hours, but she is only temporary.

Evaluations

Hardin: How many times have I asked for evaluations. I don't know what we have to do to ensure they are completed timely in addition to job descriptions. **Garratt:** With evaluations done on six months or annually, we don't remember what happened six months ago. It means nothing. However, we have Guardian Tracking. All our supervisors, including myself, are evaluated by themselves and those above them. I can add "at a boy" comments in the program. Supervisors can access the program and employees have copies of the entries. We do this on a constant basis. **Hardin:** I am asking you to present that to your boss, the Mayor, to set that up for the other departments. We can't defend anything here unless we have something like this. **Garratt:** There are a variety of programs available. Building Dept. only has four employees. There is something easy to implement. **Hardin:** We are asking the Administration, Finance Director and Mayor to look into something like this. **Ami:** I agree, evaluations are very important. The Chief is correct, it can be problematic when done annually. A program like that would be good to have.

Job Descriptions

Williams: I have been asking for job descriptions. **Ami:** Those are important as well. **Clerk:** We have job descriptions, but they were written in 1996 and are not relevant any longer. **Callender** asked who the HR person is. **Garratt:** Brian Thompson. **Hardin:** Do we want a show of hands that we want job descriptions and have a program like that? **Garratt:** I think they just need a plan. We need to have job descriptions updated and a plan for evaluations. **Hardin:** Can we ask by the first of November from Administration to have this in place? **Gaither:** Can we say ongoing and not annual? **Garratt:** They can present a plan of what they will do. **Hardin:** For each dept. head? **Garratt:** Yes.

Ami: ON page 20, he deleted duplicative material. He added “reasonable accommodation” under job performance for compliance in the ADA. **Hardin** asked about physical examinations. **Ami:** You might want to consider outlining what positions need that for the job. **Callender:** Police, Fire and Service. **Ami:** Jim also included drug screening for all employees. I will mark this area for his review.

Sick Leave


Hardin: We should have “may require”. **Garratt:** Ours is three days off sick then a doctor’s slip may be required to return to work. **Warren:** We should have it read, three days. **Williams:** Are we talking all employees? **Garratt:** Only full-time have sick leave.

Mental Health Provider

Ami: Psychologist is inserted. **Hardin:** We are addressing personal appearance? Stopped at page 22.

Meeting adjourned 6:58p

Approved: October 8, 2019



Eloise Hardin, Chairperson



Debra Hladky, Clerk of Council