

VILLAGE OF OAKWOOD
COUNCIL HRLMC MEETING MINUTES
January 14, 2020

PRESENT:

Eloise Hardin – Ward 2**

Johnnie Warren – Council President*

Elaine Gaither – Council at Large

Chris Callender – Ward 1*

Melanie Sanders-Ward 3

Patricia Rogers – Ward 4

Candace Williams – Ward 5

Jim Climer-Law Director

Mark Garratt – Police Chief

ABSENT:

* Arrived after roll call

**=Chairperson

Hardin opened meeting at 6:05pm

Classifications

Climer reviewed his memo which proposes changes to the classifications from five to three in the employee handbook; full-time, part-time and temporary employees, then define them assigning benefits. Part-time employees over 20 hours a week get certain leave benefits. Under 20 hours do not. We need to break that down. **Hardin**: Your dept. and Engineering are Class III on page 37. She also addressed auxiliaries. **Garratt**: I have one who works over 20 hours a week which is not governed by the Police contract. **Climer** suggested creating a chart for those under 20 hours/week and over 20 hours/week for discussion. **Hardin** agreed. **Climer**: Before anything is enacted, everyone would give their input. **Hardin**: When a new employee comes onboard, they are given a handbook. **Garratt**: Yes. **Hardin**: Do you have a form the employee signs indicating they have received and read the handbook? I don't see that form. **Garratt**: The Police Dept. policies and procedures are tested on the handbook. They must get 100% and sign off on it. They also sign a statement which states, if they have questions, they know where to get answers. **Climer**: The testing is unusual for someone outside safety forces. There should be a form for policies and procedures. With a smaller employer without an HR department, the employee just signs off on it. The one is a drug policy and anti-harassment policy. **Hardin**: So, there are three; the drug policy, anti-harassment policy and the employee handbook. **Garratt**: Rather than the employee signing off they received the handbook; we may want to include they understand it as well. **Hardin**: The whole point is to be consistent. We have the Chief here because his department gets it. **Sanders**: Absolutely. **Hardin**: That is why the Law Dept is part of this discussion. **Garratt** commented, we have at will employees. What protections are afforded employees? **Climer**: They have statutory protection; an employee can't be fired without just cause. In terms of the Village itself, we have the union contract and we have no civil service provisions. Everybody is at-will; if someone is fired for a reason or no reason; if the reason is not prohibitive of age, disability, race, sex, national origin, religion and a few others. Beyond that, the Mayor can say, I don't like people who wear peach colored shirts, you are fired if you wear one. It wouldn't be illegal. **Garratt**: Is that something Council wants to consider? **Hardin**: Employees cannot appeal to Council any longer. **Garratt**: When did that change? **Hardin**: It didn't change; it just doesn't happen. **Climer**: This is no different than the private sector. **Hardin**: Employees were told they can't come to us. **Garratt**: It is only an option for full-time employees. My concern is they haven't taken advantage of it. **Hardin**: It was in the manual somewhere. **Rogers**: We have had employees come before Council. **Climer**: There are several provisions in the handbook which were at odds with at-will employees. One is appeal to Council. The consensus was, Council wanted employees to be at-will to eliminate items which were at odds with that. **Hardin**: That isn't true. They just stopped coming to Council. We didn't say that. **Climer**: I may have misunderstood. **Hardin**: Were you aware we want them to appeal to Council? **Climer**: There are references to Classified employees which is in part, relative to civil service. We deleted that. We are at-will. If Council wishes to have a right of appeal to Council upon termination or discipline, we can write that up. **Hardin**: That is a big issue. It gives people options. I don't think things were consistent. If we have a handle on this and all Department Heads abide by it. **Climer** asked the consensus of Council as to the appeals to Council. **Hardin**: Upon termination. **Climer**: It could create a right-to-appeal to the courts. **Hardin** asked to put this on hold getting input from others. If we can make certain everything is consistent,

documents, etc. we may not want to do that. **Climer**: Anyone can file a lawsuit but doing this may create an adjudicative administrative determination appealing from a director or Mayor, you are creating an appeal to the court. In only limited circumstances can that be reversed. **Hardin** asked it to be put on hold. **Garratt**: That is found on page 55 of the handbook. It was for any discipline. **Climer**: I have a note to speak to Council about this.

Two full-time jobs

Climer: We decided at the last meeting to review page 29-59 prior to this meeting and make changes as questions arise. **Hardin** asked about outside employment. **Garratt**: The Police Dept. has a form for employees to request work outside the PD because they are still under the blanket of the OVPD. **Callender** asked about it. **Climer**: A full-time employee isn't allowed to work another full-time job. **Hardin**: Who said so? **Garratt**: It is stated here. **Climer**: It is in the policy. **Hardin**: How was this administrated in the past? **Climer**: We want to make sure people show up to work and can operate equipment, etc. **Hardin**: If this is an at-will employer, you can't have it both ways. **Climer**: It isn't an unusual provision, if the outside work does not interfere with their work here. **Hardin**: How has this been implemented in the past? **Garratt**: If you understand the handbook, you can't go against the policy.

Medical Leave

Garratt: Did you know an employee cannot work elsewhere when they are on medical leave? We have that in the Police Dept. **Climer**: If you have someone too sick to work here, they shouldn't be working elsewhere either. There may be exceptions with heavy physical labor.

Solicitation

Climer: You cannot discriminate based on free speech. The best policy is no postings other than items posted by the Village. **Rogers**: The newspapers are no longer in the foyer. **Hardin**: Those are gone. **Clerk**: There is literature for fair housing, items and from the schools. **Climer**: Those are informational. **Garratt**: Where it says the Village, is that reference to the Mayor? **Climer**: Yes.

Holidays

Hardin: The Friday after Thanksgiving is not a very fruitful workday. **Rogers**: We don't want any other holidays. **Garratt**: Our guys are given a bank of hours at the beginning of the year, is this written – you are off only these holidays? **Climer**: I believe so. **Hardin**: We don't want to do that. **Climer**: Some get paid holidays, and some do not. Part-time people do not get holidays. We are closed on certain days. **Hardin**: It states, holidays are observed on the day they occur.

Medical Leave

Hardin asked how this is administered; does the employee bring in a physician's note? **Garratt**: If the employee is out a third day, a doctor excuse must be brought into the Department Head.

Court Leave

Hardin: Is it fair, if I am on a murder case and it goes past two weeks, it isn't my fault. **Climer**: I want to follow-up on that.

Progressive Discipline

Hardin: Along with a documentation I sign that I received the handbook, I want to ensure evaluations are done. How do we verify everyone receives an annual evaluation? Do we know they are appropriate for each department and do we verify that? **Climer**: I do not know. **Warren**: It is an administrative function. It is not incumbent upon Council to do so.

Climer: I am not sure we want to make it mandatory. **Warren**: Inadvertently, it involves the Village if an employee says they were wrongly terminated. It is an administrative function, but if we work with the employee handbook, it should be included the managers, should do these annually. It protects the Village. **Climer**: When I defend a termination case, the first thing I ask for is the personnel file. Most often it is unfounded – 90% of the time evaluations state adequate even if there are issues. **Hardin**: This is important. **Climer** suggested picking this up at the next meeting. **Garratt**: How long

should you keep disciplinary action in the personnel file? **Climer**: I prefer two years. **Garratt**: Can it be used in progressive discipline? **Climer**: You have contracts. It should be placed in the inactive file, not destroyed. **Garratt**: In the Police Handbook, it states, it stays in the active file up to two years then it can't be used. **Climer**: Correct.

Meeting adjourned 6:58p

Approved: _____

Eloise Hardin, Chairperson

Debra Hladky, Clerk of Council