

From: **Ruth Cavanagh** <rcavanagh@southrussell.com>

Date: Mon, Jul 24, 2023 at 4:07 PM

Subject: HR Minutes 7/24/23

To: Chris Berger <cberger@southrussell.com>, William Koons <mayor@southrussell.com>, Danielle Romanowski <fiscalofficer@southrussell.com>, Michael Rizzo <policechief@southrussell.com>, Street Commissioner <streets@southrussell.com>, Ruth Cavanagh <rcavanagh@southrussell.com>

A scheduled, sunshined meeting of Human Resources committee met at 9am on 7/24/23.
Present: Ruth Cavanagh, Bill Koons, Chris Berger, Jerry Canton, Danielle Romanowski, Jim Budzik of Mansour Gavin.

Meeting called to order at 9am.

Issues discussed were overtime and FMLA.

Budzik described regular OT vs. premium OT (Double time), most municipalities use the basic standard of double time for Sunday work, except police departments with 24 hr scheduling.

Double time may be limited to the Big 3=Thanksgiving, Christmas & New Years. Suggestion to include Police Chief and Streets Commissioner at next meeting to hear their input. Example of 'observed' holiday vs. actual date of holiday (Christmas example).

Family Leave: Examples given by Jim Budzik included, a streets employee has surgery in December, unable to plow for 3 months. Current answer is use mutual aid? Or hire part timer. Budzik suggested Dept heads write up a continuity plan. Discussion regarding intermittent leave, example of Migraine.

Questions raised, if Dept head is absent, should next in line be paid stipend as acting Head? How long, several days, a week, etc. Looked at from worker viewpoint and Supervisor viewpoint.

Reiterated, need contingency plans for sub workers, in case of unforeseen happenings & necessary use of Family Leave time.

Next meeting on 8/3/23 @ 1pm

Meeting adjourned at 10:20am.

Respectfully submitted,
Ruth Cavanagh, Chair

**Human Resources Committee Meeting – FO Notes
July 24, 2023, 9:00 a.m. Village Hall**

Present: Chairman Cavanagh, Council Member Berger, Mayor Koons, Fiscal Officer Romanowski, Jim Budzik, Mansour Gavin; Council Member Canton

Jim Budzik explained that the revised proposed Employee Handbook contains the overtime changes which basically note what is and is not included. Currently, the Village uses the Federal standard and only time worked counts for purposes of overtime. Jim said most public and private policies include vacation and holidays in the calculation, but not funeral leave.

Berger questioned how working on Sundays would be handled and stated that in the private sector manufacturing considers it double time. Budzik said the handbook considers it just part of the normal workweek. Anything over 40 hours would result in time and a half provided that 40 hours were worked. With the proposed changes, vacation time and holidays will be counted towards time worked. The only thing that would be excluded would be sick leave and funeral leave. Budzik explained that most entities do not include sick leave.

When asked about how working on a holiday is handled, the Fiscal Officer explained that employees get paid for the holiday. If they come to work on the holiday, they get double time for the time worked. She gave the example that if the Service Department employees get called in for snowplowing on a holiday, they basically get triple time; the holiday pay, plus double time pay for working the holiday.

Budzik advised that the Council must consider how holidays will be treated in terms of overtime. Should this triple time only be given on the big four holidays, for example. Splitting the holidays this way is common with other municipalities. Cavanagh said she is good with Christmas and Thanksgiving. The inclusion of Easter was discussed. The Fiscal Officer said since Easter is on a Sunday, they would get double time for working that day. Budzik said for Police, it would be a regular day because they get no special holidays. As an entity, the Village needs to decide how many days they want to make premium days at double time plus the day, or time and a half.

The Fiscal Officer provided the committee with timesheets from two of the Service Department employees who came in on Sundays possibly to empty trash at the park. Regarding the remainder of their work week, one of the employees used vacation and comp time, but wanted comp time for the hour on Sunday. According to the policy, he would not get comp time. She explained that previously, overtime was anything over 8 hours in a day. It was changed to the current model based on 40 hours worked in a week. Berger said that under the proposed policy of including comp, holiday, and vacation time as part of 40 hours worked, this would make sense going forward.

Budzik referenced the new verbiage in the Employee Handbook regarding the overtime policy that states that sick leave and funeral leave will not count (excluded) as time worked toward overtime. Vacation time, paid holiday, and compensatory time shall count and be construed as

time worked for purposes of overtime. Budzik said this policy is the standard of municipalities. Berger verified that it is not liberal or overly generous, but the standard. Budzik stated that everyone counts the holidays and vacations. Some jurisdictions include sick leave, but most do not. Most count comp time. Most do not count funeral leave.

There was discussion of the big four holidays being Christmas, Thanksgiving, Easter, and New Year's. The Fiscal Officer explained that with Easter on a Sunday, employees are not paid for the holiday, but if they come in, they currently get double time pay for the time worked. Berger then concluded that there are only three premium days, Thanksgiving, Christmas, and New Year's. The policy, in terms of the holiday falling on a weekend, was discussed.

Budzik said it was important to be clear that the Police follow the same standards with the holiday pay rates. The Fiscal Officer explained that in the case of the police, if an officer is working their standard shift and it is a holiday, they do not get any holiday overtime pay - they get 10 floating holidays. The Fiscal Officer said there are currently two sets of standards between departments. Budzik said this should be examined because the Village is hurting the Police Department; the officers can never get double time. Budzik suggested that on the observed holiday, the employee will get double time regardless of what division they work in.

Berger thought the observed holiday needs to be the trigger. He gave the example of the Service Department and said if Christmas is on a Sunday, and the observed holiday is Monday, December 26th, that is the controlling day. If someone comes in on Christmas morning, it is time and a half because the observed holiday is the 26th. December 26th would be double time plus the paid holiday. It will be necessary to clarify the policy.

Budzik thought it would be helpful to the Police Department to specify that they get double time on the *observed* holiday. It would not matter if it were a regular workday or the person was called in, they would receive the double time rate for working on the holiday. Right now, they get no double time because they have floating holidays. With most Police and Fire Departments, if an employee works on a recognized holiday, the employee receives the recognized premium pay for working the holiday. If an officer works the holiday, they will receive double time pay, but not get that day as a floating holiday.

Berger summarized that the double time days would be the recognized days for Thanksgiving, Christmas, and New Year's. Everything else will be time and a half.

The committee discussed employees who volunteered to work the Centennial event on June 23rd. and the topic of mandating work time. Berger said if it were necessary to mandate an extra shift then it would be incumbent upon the Department Heads and Mayor to give the employees proper notice.

There was discussion about how overtime for other holidays such as Veterans Day would be paid at time-and-a-half. Berger said he did not think these holidays should be time-and-a-half for the police. The Mayor agreed. Berger added that this is part of a standard schedule. Berger said that they are being given an additional benefit for the big three holidays. Budzik concurred and

offered that the police can take the holidays when they want. The only way they would get overtime on the holiday is if they come in for a shift and already have 40 hours.

It was decided to have the Police Chief and Street Commissioner attend the next HR Committee meeting on August 3rd to discuss the proposed policy. Budzik was invited to attend as well.

Budzik addressed the Family Medical Leave Act (FMLA). The Village is not subject to the 50-employee rule for FMLA as it is a public employer and therefore is subject to FMLA no matter its size. He explained that during the 12 weeks of FMLA, the employer should be paying the medical premiums for health care. There is also the requirement for the employee to use paid time off. Employees get a total of 12 weeks inclusive of any paid time off. For any unpaid time, the employee is still on the Village's insurance. When the employee is off of FMLA, the employer can have the employee pay for their premiums. Most employers will also provide an approved unpaid leave of absence once FMLA is over. The Fiscal Officer explained that the Village has a sick time donation policy, and donation requests must be approved by Council.

In the event there is an employee out in the Service Department on FMLA, the Village has a mutual aid agreement with Chagrin Falls and Russell. Berger said the Village would receive a bill from the entity providing coverage for the Village. Berger suggested verifying with the Street Commissioner that an employee shortage would be handled with mutual aid. Backup plans and cross training were discussed, and Berger concluded that each Department Head needed to come up with a continuity plan, to include the Building Department.

Budzik described intermittent FMLA claims. If something qualifies as a serious health condition, FMLA can be used, and the time does not have to be taken all at once. He used migraine headaches as an example.

Budzik explained that after week 12 of FMLA the Village has the right to terminate the employee, but most employers will provide an approved unpaid leave of absence. If they cannot come back, the Village cannot hold their job forever because it is too small. However, if the employee has time on the books, the Village must give them this time.

Budzig explained that employees receive 15 days or 120 hours per year of sick time. Berger asked what would happen if someone worked 20 years and never took a sick day. The Fiscal Officer explained that if they have worked for the Village for at least 10 years and are retiring out of the pension system, they will be paid 30 days of sick time, the rest is forfeited. Scenarios were discussed where someone could choose to use all of the leave and then retire. The Fiscal Officer said this had not occurred in her 16+ years in the Village. Budzik added that the Village has the right to ask for verification that someone is sick and needs the time off and can ask for a tentative return to work date.

The Mayor said that when the Street Commissioner is gone and his three employees are there and one is in charge, there is no additional compensation. Budzik said if someone is paid additional pay to temporarily oversee the department, there should be a length of time established as well as a premium in a written policy. The Mayor proposed that for more than three days, the person in charge would get a token amount and proposed \$20 a day. Berger

explained that in the manufacturing world, you do not elevate someone from below, you step down because that is your job as a supervisor to make sure the department is doing its job. This would not apply to the Police Department, but the other Department Heads should notify their staff that if they are not available, the person in charge is the Mayor.

The Mayor said he had concerns because the Chief and the Street Commissioner are probably getting near retirement time. He had not spoken to either one about it, but asked if the committee should look at the exit plan for them. Budzik cautioned that the Village cannot tell people when they are going to retire. The Age Discrimination Act was discussed. The Mayor verified that there was nothing the Village needed to worry about with the Police Chief and the Street Commissioner if they got near retirement. Budzik said the Village does not have a mandatory age for police – they can work as long as they want. The OP&F Deferred Retirement Option Plan was discussed. Budzik said they could have a friendly conversation asking about retirement plans in terms of staffing, but employees are not obligated to inform the employer before they give notice.

The updated Maintenance, Laborer, and Mechanic job descriptions were distributed and Budzik explained that the mechanic position included mechanic and laborer duties. Berger explained that items that sounded like they were Emergency Medical Technician (EMT) related were removed. The Fiscal Officer advised that all the job descriptions have this, so eventually they would all need to be reviewed. Cavanagh noted that the language about going to school was removed and it instead includes the five years' experience. The job descriptions would be provided to the Street Commissioner for review and then the committee would discuss it at the next meeting. Physical requirements noted in the job description were discussed in terms of the Americans with Disabilities Act (ADA).

Budzik reviewed the changes to the Employee Handbook that he would be making. He would also review the other job descriptions for changes. He explained that he included a more detailed Social Media policy. It states that an employee may not comment on the Village on social media unless authorized to do so because it makes the individual sound like they are representing the Village. There was discussion about the Village responding to negative postings. Berger cautioned that responses needed to be Village approved. Budzik relayed case law concerning government employees posting negative information about the government entity as a private citizen and the court's ruling that this is not the case, and the employee was instead complaining about internal grievances which were not the public's business.

The meeting was adjourned at 10:24 a.m.