

Human Resources Committee Meeting

8/3/2023, 1:00 p.m. - Village Hall

Present: Chairman Cavanagh, Council member Berger, Mayor Koons, Fiscal Officer Romanowski, Street Commissioner Alder, Police Chief Rizzo, Jim Budzik (Mansour Gavin)

Revisions to the Employee Handbook made by Jim Budzik were discussed. Expanded social media policy - The purpose is that the Village does not want employees to appear to be making a statement sanctioned by the Village and it does not want employees going on social media during the workday because it is personal. He stated that “workday” would be changed to “work hours” after discussion of the topic. (P. 4 of handbook) Berger wanted to ensure that the entire policy was included in the handbook.

Budzik addressed previous changes regarding pay period and pay work schedule, which went from paying overtime over a day to 40 in a work week for non-safety forces which need to have an 80 hour pay period for police.

Discipline was shortened considerably on p. 14 of the handbook. The three disciplinary categories and range of penalties was changed to state that the employer will determine what discipline should be on any given case, keeping in mind what the employee’s work record is, etc. Progressive discipline should be used where possible, but the employer needs the right to discipline employees. The Fiscal Officer asked about changes to the harassment policy. Budzik said he put in language on p. 1 to prohibit all forms of harassment to include sexual, hostile work environment, bullying etc. It has to have the purpose or effect of intimidating or creating a hostile or offensive working environment or has the purpose or effect of unreasonably interfering with an individual’s work performance or adversely affects an individual’s employment. These are the tests used by the courts. The Mayor suggested that the paragraph should begin with, “the Village prohibits *any and all forms,*” and Budzik concurred and noted that the Village has an ordinance on sexual harassment which the current policy mirrors, but Budzik included more of the case law in defining this type of harassment. Budzik recommended harassment training should be conducted every couple of years with employees signing off and the committee discussed providers. The Mayor suggested for harassment training that Bonny Troyer of Geauga Growth Partnership (GGP) will come give a half day training, she is excellent.

The Fiscal Officer addressed changes to the attendance policy. Budzik included that regular and consistent attendance is required of all employees on p. 7. On p. 8, he added the language that repeated absenteeism or unsatisfactory attendance and/or tardiness including reporting to work late or quitting early and/or overextending lunch periods or breaks may lead to disciplinary action up to and including termination.

Budzik discussed p. 12-13 relating to overtime. He included the formerly unwritten policy that flex time not used within one calendar year from the date it is accrued shall be forfeited. It would be up to the Department Heads and Fiscal Officer to keep track of this.

Budzik addressed call outs. The normal minimal callout is 4 hours at the overtime rate as long as it does not abut the normal scheduled shift. He added language at the bottom of p. 12 to state

that about shall mean time worked within 30 minutes of a scheduled shift. He also included, “the employer may keep an employee working at a call out for up to four hours.” If an employee is called in within 30 minutes of a normal shift, they will not get a 4-hour callout. It could be regular overtime assuming they meet the 40-hour work week. Currently, if an employee receives a callout a half hour before the shift begins, they get 4 hours of overtime in addition to their regular work hours. Berger wanted to be sure the policy would be explained correctly to the Streets Department employees.

On p. 13, Budzik explained that currently the handbook states that nothing counts as time worked and excludes holidays, vacations, etc. The committee discussed including vacation time, holiday, comp time, and jury duty as time worked for a work period, but not sick leave or funeral leave. Budzik explained historically how calculation of overtime progressed. The Fiscal Officer advised that when this policy was changed in 2021 from 8 hours in a day to 40 hours in a week, her office did a survey of villages around Northeast Ohio and the surrounding townships. Most only counted time worked. In her conversation with Budzik, she asked him how he obtained his results about everyone including holiday, vacation, and sick time and Budzik clarified that he was referring to primarily civil service entities with unions; SRV is not civil service. Budzik added that these municipalities would offer the same benefit to non-union employees. The Chief said this would resolve difficulties with calculations. Budzik said many communities include sick leave, but he does not. The Street Commissioner described the problem with the current policy in terms of having employees who are willing to work when they know it will be straight time instead of overtime. Budzik added a line to the policy that there shall be no pyramiding of overtime under any terms of this policy and under no circumstances shall more than one basis of calculating overtime be used for the same hours. Pyramiding means that in some cases, an employee might qualify for both double time as a holiday and potentially time and a half because it is more than 40 hours worked in a week. The Street Commissioner verified that for a call out on a holiday that the employees would get the holiday pay plus the double time.

The Fiscal Officer addressed the subject of overtime relative to the actual and observed holidays. Berger said he and the Street Commissioner discussed this, and the Street Commissioner’s position was that the holiday is the holiday. The Street Commissioner said the employee should be compensated for working the actual holiday. Budzik said that this is discussed in the holiday section. Budzik said that the employees will get time and a half for working the holidays not included as the major holidays. They would get double time for Christmas, New Year’s, and Thanksgiving. The policy would have to specify that it will be for working the actual holiday. Everything else is the observed holiday. Budzik explained that it would impact the Police Department because the police would get double time for working on Christmas, Thanksgiving, and New Year’s. Right now, they are getting floating holidays. Berger asked the Fiscal Officer how often the Streets Department employees are called out on the three major holidays. The Street Commissioner said not very often. The Fiscal Officer said they had been called out on Presidents Day and possibly others, but suggested using the wording that the premium holidays that get the double time and are on the actual holiday. The other ones would be time and a half on the Village observed holidays. Berger asked how many hours a year this happened – whether

it is once a year or once every five years. The Street Commissioner wanted the policy to be left as it is which is double time on the holiday.

The Chief asked whether an officer would lose a floating holiday if the officer worked and was paid double time for the holiday. Budzik said yes. The Fiscal Officer asked if they would be paid for the holiday and the double time. Budzik said they will because the police have 80 hours a year for 10 holidays, and they will basically get 8 hours for another day. They get double time for coming in on Christmas. The Fiscal Officer clarified that they would keep their floating holiday, and Budzik said yes. The Chief clarified that it is compensation for that particular day worked. The Chief asked if the employee could choose whether to receive pay or comp time for the holiday. Budzik said most employers that offer comp time give a choice. The Fiscal Officer questioned whether they could be forced to take comp time and Budzik said yes, that they could be made to take comp time on a certain day if in an agreed upon memo. Berger suggested giving an option, and Budzik said that instead of getting 12 hours for the day, they would end up getting 16 hours. The Chief explained they would be able to bank 4 hours of comp. Budzik said there is the 8 hours for the floating holiday. If it is worked, the officer would get double time. This is only for the main three holidays. With the other holidays, the police would not be eligible. This is because the police have the benefit of using the floating holidays. The Chief pointed out that the police work 12-hour days but should only get 8 hours since 8 is what the day is based on. 8 of the 12 hours would be double time or comp time. Budzik summarized that if someone works one of the big three holidays, they are already getting 8 hours of holiday hours, 8 hours paid, and 8 hours of comp.

Budzik summarized that with the Service Department, the policy will be rewritten to say double time for everything. Berger asked the Fiscal Officer to determine how many times there were callouts on holidays. With the police, when they come in for a 12-hour shift, they get 8 hours of holiday pay. Berger verified that this meant they would get 8 hours for the floating holiday and 16 hours for working the holiday which they can take in cash or comp time. He further clarified it would be for an 8 minimum shift and not, for example, a 4-hour split shift.

The Mayor noted that the minutes of the previous meeting said that most municipalities use the basic standard of double time for Sunday work. Berger clarified that this is what Budzik said, and the committee said no. Budzik clarified that he said overtime, not double time for Sundays. He further explained that what he said was that private sector entities pay double time on Sundays, not municipalities.

Berger noted that Budzik will clean up the current version of the handbook and the Fiscal Officer will do some research. It will be reviewed by the committee before presenting it to Council.

The Fiscal Officer indicated Juneteenth needed to be added as a holiday to the handbook. Fiscal Officer will forward the legislation to Budzik. Berger wanted to be sure there was discussion with the departments before implementing the new policies. Budzik noted another change on p. 20 about the police and floating holidays and the need to include verbiage about 80 floating holiday hours. The Chief suggested that verbiage be included that nonexempt Police Department

employee personnel should receive 8 double-time premium pay hours for New Years Day, Thanksgiving, or Christmas.

Cavanagh asked about sick leave carryover, and the Fiscal Officer explained that an employee can bring 45 days from a previous employer. Sick leave accrues and is not limited.

FMLA was reviewed for changes.

Chief asked about the change of the disciplinary policy – is the Police Department under ORC. Budzik said no because it is a Village. Employees are not civil service and are at will. The handbook was a hybrid. Budzik cited *Loudermill vs. Board of Education* for a pre-deprivation hearing. There is a pre-suspension provision. Technically, being an at will employer, this is not necessary, but most Villages do. The Chief noted that the list of potential offenses was eliminated and asked what would be used to compare an offense going forward – to rank the severity of an offense. Budzik said it is up to the department head to determine this. The Chief noted that this is arbitrary. Berger proposed using the Group 1 – 3 Offense List as a suggested guideline. Budzik cautioned against doing this and spoke of the different standards to which police are held versus the Service Department, for example. The Chief clarified that the Village is not really coming away from progressive discipline. Budzik concurred.

The Chief discussed the potential of hiring one of the PT Police Officers for the FT position in terms of vacation time eligibility. The Fiscal Officer explained that the officer would be starting over with the Village with earning vacation. The Fiscal Officer explained that the officer would get the top tier for the salary given his experience level. Budzik said this is up to the Village. Budzik discussed retire-rehire policies.

Modified job descriptions will be discussed next month. Budzik said he took the laborer description and added that the mechanic has to do everything the laborer does in addition to mechanic work. Berger said the Street Commissioner would review the job descriptions and get back to the committee.

The Mayor addressed contingency plans and referenced the mutual aid agreement. The Fiscal Officer had provided this to the committee. The Mayor reviewed the concept of a stipend for whoever is in charge, but it was decided that the management responsibility for the department head's absence falls to the Mayor. Berger clarified that if the Street Commissioner is out of the loop, the Mayor makes the call for the Street Department and would be the supervisor or whomever he designates.

The Mayor reported that the Building Committee met with Dan D'Agostino, the part-time Zoning Inspector, who is an employee. The Mayor explained that D'Agostino will provide the Village an offer to be just like Dave Hocevar. He would be a hired outside consultant. This way, the Village would only pay D'Agostino for when he was used. In talking to Hocevar after the meeting, he said this was not a good idea. It would cost D'Agostino almost \$6,000 in insurance costs. Things will be left as they are for now.

The Street Commissioner said the mechanic will be having right knee replacement surgery. He asked if the employee got a doctor's note, could he come back and drive a plow truck. Berger

said the minimum recovery is 8 weeks that he will be out. The Street Commissioner said he would cover the plowing and the Chief said he would help. Berger asked when he would be coming back to work full-time because he would not just come back to drive a plow truck but not work otherwise. Berger asked if this was what was being suggested. The Fiscal Officer asked if what the Street Commissioner was suggesting was that the employee would be on sick leave during the day and if there were a storm at night, he would come in to drive a truck. The Street Commissioner clarified this would be after the eight weeks when he could drive himself to and from therapy but before he was 100% healed. The Street Commissioner said to release liability, the Village could leave him off on paid sick, which he would be on anyway. Budzik clarified that this would be transitional work for four to six weeks, which is up to the Village. Cavanagh expressed concern about impeding the healing process. The Street Commissioner said it is up to the doctor that would have to certify. Berger's opinion was that off is off and when he is 100% released to come back to full duty, then he can go behind the wheel. The Street Commissioner said he would contact the Village's mutual aid agreement. The Street Commissioner asked how mutual aid from other communities is paid. The committee discussed reviewing the mutual aid agreement. There was discussion of considering a casual laborer with a CDL to work on call. The committee discussed the potential issues and liability with the employee coming back prematurely.

The Fiscal Officer informed the committee about workers' compensation cases with the Village. The Lieutenant recently suffered a sprained wrist while assisting a resident with a lock-out call and sought medical treatment at an emergency room.

The committee discussed amending the budget for Mansour Gavin charges. The amount would be discussed in the upcoming Finance Committee, and Berger felt it was worth the money.

The Fiscal Officer advised that regarding the shirts for the 100th anniversary, it was discussed that the Village would pay for the employees and elected officials would pay for their own, but the volunteers were not addressed. She verified the Village was paying for the Park Committee shirts and asked if the offer was extended to all committees. Cavanagh said it was not and that the Park Committee was included because they show up and people are there for the 100th and work hard with the Fall Festival. Berger said they helped plan the 100th Anniversary, but Cavanagh said they were not involved but all showed up for it. Berger thought the offer should be limited to the Park Committee.

Ratifying overtime for Service Department personnel was addressed.