

MINUTES OF THE SPECIAL MEETING OF THE PERSONNEL MANUAL WORKSHOP OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, FEBRUARY 9, 2009, AT THE VILLAGE HALL, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER

The workshop was called to order at the hour of 8:10 p.m. by Acting Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Sandra O'Connor, Timothy McMahon and Acting President Napoli. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. DISCUSSION - PERSONNEL MANUAL UPDATE

Administrator Modaff noted that the goal for this evening was to review primarily the items from the last meeting that still needed discussion and those items are highlighted in yellow.

Administrator Modaff reviewed the following items:

ARTICLE ONE

Section 1.1 - Purpose and Scope of Policy

The language for this section will be strengthened by including language suggested by the Village Attorney: "*Policies in this manual provide information and guidance to employees, but the Village reserves the right to amend or change the policies at its discretion with or without notice to employees.*"

Section 1.6(I) - Definitions: Relative definition

The Board had debated how to define children. A general definition was proposed that provides for "*children whether biological, adopted, foster or child under legal guardianship.*"

The Board removed foster children from the definition of children.

ARTICLE TWO

Section 2.4 - Drug/Alcohol Testing - CDL

Administrator Modaff had questioned if we need to include a specific CDL drug testing policy and the Attorney advised to reference the requirements of the federal law.

Trustee Kelly asked with respect to Section 2.2 if preference is given to residents with respect to promotions as well as initial employment.

Administrator Modaff responded generally, with all things being equal, yes we can offer preference to residents unless it is somehow prohibited by law.

Section 2.11(E)1 - Compensatory Time

Administrator Modaff noted he initially created this for department heads in the event there was difficulties with too much compensation time being accumulated or used straining a department; it could be required they choose compensation time or overtime at the time it is actually assigned. He recommended abandoning the proposed language.

Section 2.14 - Official Personnel File

There was a question of access by the Board members to personnel files. The Village Attorney indicated there is really no clear cut law on this issue but did not recommend Board members having access to personnel files due to confidential and personal items included in the file.

Section 2.16 (E and G) - Use of Equipment and Village Vehicle

The question arose as to when a Village employee who is not assigned a Village vehicle is there an exposure with them driving their own vehicle. The Village Attorney noted that we could suggest and encourage an employee to drive a Village vehicle but for reasons of safety and personal comfort we should allow the employee the opportunity not to do that and that the personnel manual acknowledge the employee liability.

Trust Schoenbeck noted that it did not address his concern about a person having an accident when they use their own vehicle, they make a claim with their insurance company and they ask what the person was doing. The insurance company could state the employee was working and they do not have business related work coverage on their auto so they would not be covered. The person then comes back to the employer. He felt that unless you can validate the employee's auto insurance for coverage on work related business, the employee should use a Village vehicle.

Administrator Modaff responded that in the case of an employee using their own vehicle, the Village would be covered. IRMA noted that they cannot cover individual employee vehicles. One of the reasons we included this language is that employees will be made aware in the receipt of the manual that should they not make use of a Village vehicle they may face liability and it would be up to the employee to find out if they are covered.

Trustee Schoenbeck felt that we should get validation on the insurance should an employee choose not to use a Village vehicle or we just say use the pool vehicle.

Administrator Modaff asked that, as a matter of policy, do we want to force employees to drive village vehicles or do we want to encourage them to but through receipt of the personnel manual, for which each employee will sign off on the manual, advising them that they may face personal liability.

Trustee Schoenbeck suggested adding that it is recommended to consult your personal auto insurance if you would be covered while driving personal vehicles for Village business.

Section 2.21 Political Activity

Administrator Modaff noted that the Attorney included language mostly referencing the section of the Village Code which covers political activity.

Section 2.29 - Workplace Violence Policy

This is a new section and was done in concert with the Village Attorney and was strongly encouraged by our Employee Assistance Program.

Trustee Kelly inquired if this only applied to Police. Administrator Modaff responded to applies to all.

Trustee Kelly asked what is being said when we identify the "workplace"; is it this building or is it any place within the Village. What are we saying when we talk of on village business; is on village business anyplace or just within the village.

Attorney Good responded that it is his opinion the workplace is anywhere the employee is engaged on Village business generally, on Village time. He also noted that various companies now define workplace as they see fit.

Trustee O'Connor asked if the working from home would be considered the workplace. Attorney Good responded that he doubted it relates to being at home, but he would check.

Section 2.30 - Smoking Policy

Administrator Modaff noted that the Board agreed to prohibit any employee from smoking on any portion of the facility located at 7760 Quincy Street. Staff was also asked to look into if we could prohibit employees from smoking in village vehicles and within 15 feet. The Attorney advised that we could do that.

Trustee Baker asked if we would need to include the address of the new Public Works building or could we just note any Village facility. Administrator Modaff responded we could change it to read any Village facility.

ARTICLE THREE

Section 3.1 - Employee Insurance Benefits

Administrator Modaff noted that the amount of life insurance would be changed from \$25,000 to an amount not less than 1.75 times base pay not to exceed \$150,000. Trustee Schoenbeck had requested the Staff to prepare a cost estimate to provide \$250,000 life insurance to the Village Administrator, Department Heads and Deputy Chiefs. The cost would be \$2,700 or a difference of \$972 from the original proposal. Administrator Modaff noted that he and the department heads should not receive an elevated benefit of \$250,000.

Section 3.5(E) - Leave With Out Pay

Language added referencing unpaid military leave.

Section 3.8 - Military Leave

The Attorney reviewed and included updated language in compliance with related laws.

Trustee Kelly asked what would happen is someone is called up under a State matter (National Guard) instead of a Federal matter. Attorney Good responded that he could not give an answer off hand but it is very specific as to when the benefits apply. He advised if Trustee Kelly wished he can get the exact report.

Section 3.9(H) Sickness and Disability Leave

Administrator Modaff noted this is one of the areas when allowing an employee to take sick leave to care for a family member should be applied to a more restricted list. The "foster" child would also be removed from this list.

Section 3.13 - Bereavement Leave

Administrator Modaff noted this section would provide this benefit to non-union employees and a qualifying relative would be as defined in Article I, the amended definitions.

Section 3.14 - Emergency Leave

This would be a benefit for a more restricted list of relatives.

ARTICLE FOUR

All the changes were made by the Village Attorney to comply with current State and Federal law.

ARTICLE FIVE

Administrator Modaff noted the main section of this Article is related to the salary plan and has been re-written in its entirety.

Appendix A - Personnel Evaluation Handbook

Administrator Modaff advised that this section needs to be re-written and money is budgeted in FY09-10 to hire an HR consultant to help do that.

Appendix B - Merit Pay Plan

Administrator Modaff informed the Board that this is the section that they adopted last year. The philosophy is that no employee should earn less than the bottom of the pay range and no employee should earn more than the top of the pay range. Every year staff would review survey data. The Board would consider and approve a cost of living increase based on the Midwest CPI-U Second Half Average of the previous year and also consider a merit increase for eligible employees. The language is in the section that this is the guideline the Board will follow. There is language included to advise the employees that these are the guidelines we are following and references financial ability. The Board did approve new range assignments with minimum and maximum salaries and we talked about no one being paid over the top of the range. Starting this May 1, when they normally would get pay raises, those employees already over the top will not get a raise until their range moves up. Each range will be adjusted by whatever cost of living increase the Board approves.

Trustee McMahon suggested removing the word "approval" from the last two paragraphs under Section 5.5 - "Ranges Within Each Grade."

Trustee O'Connor suggested that under Section 5.15 - Salary Administration Plan the language in the last sentence of the

second paragraph be changed. The amended language would read "in accordance with economic considerations".

Trustee Schoenbeck asked if the Board will receive just the changes that have been suggested in addition to what is in this manual.

Administrator Modaff responded his plan is to present the Board with a clean copy of the manual for their approval and a spreadsheet as a guideline to what was changed.

Appendix B - Exhibit 1 (job descriptions)

This entire section will be re-written in FY09-10 to more closely reflect the actual work being performed by each position.

Appendix B - Addendum 1 - Achievement Level Program

This program will be eliminated given the Board's adoption of a merit component of the pay plan adopted in April 2008 since it is no longer necessary.

Appendix C - Political Activity

This section was removed in its entirety.

Appendix D - General Employee Safety Handbook

Staff recommends updating and removing this section from the manual to be combined with the loss prevention manual as a separate document.

Appendix H - Employee Assistance Program

This entire section will be re-written in FY09-10 in cooperation with the Employee Assistance Program counselors and staff.

Trustee Schoenbeck asked if we were to talk about not only the safety day but the safety dollar amount or did we agree that all monies go to the employees.

Administrator Modaff responded that the manual was amended to eliminate the safety day from the program and that it was agreed the Board does want to revisit the issue of compensation but wanted to hold off until the other matter before the labor board is settled.

4. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn the workshop meeting at the hour of 9:04 p.m.

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PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele,
Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

February 23, 2009

Robert A. Napoli
Acting Village President

Minutes transcribed by Mary Partyka.