



AGENDA ITEM #17

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
11/28/2022**

Item Title: Personnel Policy Manual Amendments

Staff Contact: Jason Bielawski, Village Administrator

NEW BUSINESS

VILLAGE BOARD ACTION:

Review and provide direction regarding staff's recommendation to amend the Village's Personnel Policy Manual.

Executive Summary:

The attached amendments to the Personnel Policy Manual incorporate updates recommended by staff. The additional updates change paid leave benefits for employees not subject to a collective bargaining and also address ongoing needs of the organization and best practices as well as to be compliant with State and Federal laws, rules, and regulations. Below summarizes the proposed changes:

Section 2-3. Amends the section to include anti-nepotism language.

Section 2-4. Includes the positions of Community Development Manager and Public Works Manager as supervisory positions.

Section 2-8. Amends the section to include language clarifying expectations regarding workplace relationships.

Section 5-2. Deletes reference to part-time employees hired prior to December 1, 2009, as no such employees exist within the organization.

Section 5-4. Provides one additional personal day to employees.

Section 5-5. Deletes limitations on how paid vacation leave can be used. All paid leave is approved by the supervisor and employees can only use amount of vacation accrued. Changes the length of service milestones for vacation accrual but doesn't change the maximum vacation accruals. Aligns the sergeant vacation accruals with the patrol officers vacation accruals contained in the collective bargaining agreement.

Section 5-13. Updates military leave to be compliant with changes in State Law.

Section 5-15. Updates bereavement leave to be compliant with changes in State Law.

Implications:

Is this item budgeted? There is no expected budgetary impact from the proposed changes.

Estimated cost: n/a

Any other implications to be considered? n/a

Strategic Priority:

Operational Sustainability

Attachments:

Proposed Changes

Proposed vacation accrual changes

PROPSOED EDITS TO PERSONNEL POLICY MANUAL

2-3. Selection of Personnel

Personnel selected for Village employment or promotional opportunities shall be chosen solely on the basis of merit. However, to avoid problems including, but not limited to, charges of favoritism, potential conflicts of interest, and other possible outcomes that adversely impact Village operations or public trust the Village will not hire or promote an employee who has a personal relationship with a current employee if the employee would be in a supervisory or subordinate position with a current employee. Furthermore, the Village will not hire any person with a personal relationship with the Village Administrator, Department Head, or a Village elected official. All applications submitted shall be given equal consideration to determine those candidates meeting the qualifications listed in the job description. Among equally qualified candidates, residents of the Village of Roselle shall be given preference. Where applicable, the selection and promotions for sworn public safety positions in the Village shall be made in accordance with the Rules and Regulations of the Roselle Board of Fire and Police Commissioners.

2-4. Employment Status

“Full-time Employee” is defined as an employee who works year-round on a regular basis averaging a minimum of 37.5 hours per week.

“Part-time Employee” is defined as an employee who works an average of less than 37.5 hours per week. Part-time employees, including part-time firefighters, are not eligible for benefits except where specifically stated.

“Department Heads” shall refer to the following positions:

- Village Administrator
- Assistant Village Administrator
- Director of Finance
- Director of Community Development
- Director of Public Works
- Chief of Police
- Chief of Fire

“Management” shall refer to the following positions: Deputy

- Police Chief
- Deputy Fire Chief
- Assistant Director of Public Works

“Supervisory” shall refer to the following positions:

Management Employees

Community Development Manager

Public Works Manager

~~Public Works Division Superintendent~~

Police Services Manager

Police Sergeant

Fire Battalion Chief

2-8. Workplace Relationships

Qualifications and standards for employment (or promotion) are based on knowledge and ability, training and experience in relation to the actual job requirements needed for satisfactory performance of job duties. Standards of employment (and promotion) will be updated from time to time to assure the selection of the most qualified candidates to perform the work in an effort to constantly improve the professionalism and effectiveness of Village services. Specific job requirements appear in individual position descriptions prepared for and maintained by the Village Administrator. Adherence to the normal selection procedures will assure the hiring of the most qualified applicants to fill the available openings. Appointments shall be made on an impartial basis without regard to favoritism, political, or personal influence within the Village.

- A. Generally: From time to time, the Village recognizes that employees may be hired who are related to other employees, or who have or subsequently develop a dating relationship with another employee that may or not result in marriage (“personal relationships”). It is the Village’s intention to hire and retain the most qualified employees for all positions in the Village, and that no hiring, promotion, disciplinary, or dismissal decisions are made solely on the basis of the existence of a personal relationship between employees. “Personal relationship” shall include, but are not limited to, relatives by blood or marriage, and employees who are dating or in a romantic and/or sexual relationship. For the purposes of this section, relatives by blood, marriage, or other legally recognized union shall include spouse, partner, children, parents, current in-laws, aunts, uncles, grandparents, nephews or nieces, first cousins, siblings or any other individual of the same household.
- B. Personal relationships between employees in inherently unequal positions, where one party has real or perceived authority over the other in their workplace roles, may be inappropriate in the workplace and are strongly discouraged. If such a relationship exists or develops, it must be immediately disclosed to their Department Head. Disclosure of such relationships creates a transparent environment that ensures mutual professional respect and accountability while also maintaining public trust and

avoiding conflict of interest and will allow for the. Department Heads will review and discuss with the Village Administrator's Office how to manage the relationship.

- C. Adverse Effect in the Workplace: If problems develop in the workplace as the result of any current or prior personal relationship between employees, the Department Heads (with the prior approval of the Village Administrator) of the employees involved will take appropriate action to correct the situation and/or prevent future problems that may have an adverse effect on the Village workplace environment and/or the delivery of Village services. This action may include, but is not limited to, transferring one or both of the employees to another department or to a different work location, discipline, and/or dismissal.

5-2. Holidays

Subject to the provisions of any otherwise applicable collective bargaining agreements, the Village designates certain days as holidays when full-time employees receive the day off with pay. ~~Part-time employees hired prior to December 1, 2009 are eligible to receive the holiday off with pay proportionate to the number of weekly hours scheduled for their position.~~ The holidays are listed as follows:

New Year's Day

Memorial Day (as designated by the State and Federal government) Independence Day

Labor Day Thanksgiving Day

Friday after Thanksgiving Christmas Eve

Christmas Day

New Year's Eve

When an authorized holiday falls on a Saturday, the preceding Friday will be observed as the paid holiday. When an authorized holiday falls on a Sunday, the following Monday will be observed as the paid holiday.

Floating Holidays – Non-Shift Personnel. For those years in which Christmas Day and New Year's Day fall on a Saturday, Sunday or Monday, Christmas Eve and New Year's Eve shall not be designated as holidays. (For example, if Christmas Day falls on a Saturday, the holiday is observed on Friday, December 24.) In such years, employees shall instead receive ~~846~~ hours of floating holiday paid leave per holiday. Floating holidays must be used within the calendar year, may not be carried over to the following year, and may not be redeemed for additional compensation. Floating holidays shall be taken in no less than 1 hour increments at the discretion of the employee, provided that the Department Head approves the scheduled time off.

Some non-shift employees may be required to work on a designated holiday. On such occasion, the employee will be paid the holiday hours in addition to regular pay for the actual hours worked at the straight time rate. The regular pay may be granted in compensatory time. Part-time employees hired after December 1, 2009 shall not receive

holiday hours in addition to regular pay; however, part-time patrol officers shall be paid at the rate of one and one-half (1½) times their regular rate of pay for hours worked on holidays.

Holidays – Shift Personnel. Shift employees, both sworn and non-sworn, will be required to work holidays in accordance with their regular work schedule. Holiday pay shall be considered earned as of the date of each holiday. As of January 1, 2018, Fire Battalion Chiefs shall receive additional compensation equal to 72 hours of pay added to their annual salary regardless of whether the employee must work on the holiday and in lieu of time off.

5-4. Personal Days

Village employees receive ~~two~~ three (2 ~~3~~) workdays of personal time during each calendar year. Personal time shall be taken at the discretion of the employee, provided that the scheduled date is approved by the Department Head. Police Sergeants shall use personal days in no less than one-half day increments.

~~One~~ Two workdays of personal time shall be considered earned as of January 1, and one workday of personal time as of and July 1 of each year. New employees hired between January 1 and June 30 will earn ~~two~~ three personal days their first calendar year. New employees hired between July 1 and December 31 will earn one personal day their first calendar year. In addition to the ~~two~~ three workdays of personal time received, Fire Battalion Chiefs shall receive an additional six (6) days of personal time each year. Three additional workdays shall be considered earned as of January 1 and July 1 each year. Personal time must be earned prior to being used unless otherwise authorized by the Village Administrator. Personal time must be utilized during the calendar year and cannot be carried over to the following year. Any personal time not utilized prior to termination shall be considered “lost”. Employees will not be permitted to take accrued personal time off during their last two weeks of employment with the Village. Part-time employees hired after December 1, 2009 shall not receive personal days.

5-5. Vacations

Employee vacation requests are subject to the approval of the Department Head. Department Head vacation requests are subject to the approval of the Village Administrator. ~~The resolution of any vacation scheduling conflicts shall be based upon employee seniority. Requests for vacation time of five (5) or more consecutive days shall be made no later than thirty (30) days in advance.~~

No employee shall be eligible to receive a paid vacation until completion of six (6) months of continuous service unless authorized by the Village Administrator. Under normal circumstances, employees are encouraged to take at least five (5) vacation days consecutively each calendar year after one full year of service.

Chart showing the proposed changes is attached.

5-13. Military Leave

A. Generally

Village employees who are members of the uniformed services shall be subject to the Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 U.S.C. §§ 4301-4333), the Illinois Service Member Employment and Re-employment Rights Act (ISERRA), and sections of Illinois Municipal Code (65 ILCS 5.10-2.1-23 and 10-2.1-24), if applicable.

B. Who is protected by USERRA and ISERRA?

Any Village employee who is a member of the Armed Forces (active duty or reserve), Illinois National Guard, Military Auxiliary Radio System, United States Coast Guard Reserve, Civil Air Patrol, the Merchant Marines when performing official duties in support of an emergency, or members who are released from military duty with follow-on care by the Department of Defense, shall have their rights and benefits protected and preserved during a leave of employment to serve our Nation or State.

C. What rights and benefits are preserved by USERRA and ISERRA?

In general, USERRA and ISERRA provide for reemployment rights, health insurance protection, and the right to be free from discrimination and retaliation if you are a past or present member of the uniformed service, have applied for membership in the uniformed service, or are obligated to serve in the uniformed service.

~~Any Village employee who is a member of any reserve component of the U.S. Armed Services, including the Illinois National Guard, and who is mobilized to active military duty as a result of an order of the President of the United States, shall continue to receive the same regular compensation that he receives or was receiving as an employee of the Village. In addition, the employee shall also continue to receive any health insurance and other benefits he was receiving or accruing at the time of mobilization, minus the amount of his base pay for military service, for the duration of his active military service.~~

~~In the event that 20 percent or more of the Village's employees are mobilized to active military duty as a result of an order of the President of the United States, the provisions of this Section shall not apply to individuals employed by the Village. (50 ILCS 140/2)~~

D. Notice Requirements for Reemployment

~~1. The employee shall give the Village advance written or oral notice of the service, unless advance notification is precluded by military necessity or is otherwise impossible or unreasonable.~~

~~2. The cumulative absences from employment for military service shall not exceed (5) years.~~

~~3. The employee must seek reemployment in a timely manner as required by USERA. The requirements are as follows:~~

~~a. If service was for more than 180 days, the employee must apply for reemployment no later than 90 days after completing service.~~

~~b. If service was for less than 181 days, but more than 30 days, the employee must apply for reemployment within 14 days after completing service.~~

~~c. If service was for less than 31 days, the employee must actually report back to work on the first work day after completing service, allowing for an eight-hour rest period following safe transportation to the employee's residence, unless that is impossible or unreasonable.~~

~~There are exceptions for these reporting requirements if an employee is hospitalized or recovering from illness or injury. Furthermore, if the Village requests documentation to verify the actual length of service and character of service, the employee must provide such documentation. (38 U.S.C. §4312)~~

~~E. Reemployment Requirements~~

~~The employee who is returning from active duty shall be reemployed in the position he would have held "but for" the military service. This requirement includes all aspects of the employment relationship, including seniority, status, rate of pay and sick leave, subject to the following exceptions.~~

~~1. If the employee is determined not to be qualified for the position he would have held "but for" military service, after reasonable efforts by the Village to qualify the person, the employee is entitled to reemployment only in the position actually held immediately before the start of service.~~

~~2. If the Village's circumstances have so changed as to make reemployment impossible or unreasonable, the Village is not required to reemploy the eligible former employee. This would include a dramatic reduction in the workforce, or abolition of the employee's previous position.~~

~~3. If reemployment would impose an undue hardship on the Village (for example, if the employee was no longer qualified to perform the duties of the previous position due~~

~~to disability resulting from the service), the Village is not required to reemploy the eligible former employee.~~

~~4. If the employee held a temporary or seasonal position with no expectation that the job would continue indefinitely or for a significant period, the Village is not required to reemploy the eligible former employee. (38 U.S.C. §4313)~~

~~F. Discharge~~

~~An employee who has been reemployed after active duty may not be discharged, except for cause, for one year after the date of reemployment if service was more than 180 days, or for 180 days after reemployment if the period of service was more than 30 days but less than 181 days. (38 U.S.C. §4316)~~

~~G. Training Exercises~~

~~An employee who is required to participate in military training exercises that are not part of a mobilization to active duty pursuant to an order by the President of the United States may take a leave of absence in accordance with the Village's policies on paid and unpaid leaves with continuation of accruable benefits and health insurance, if applicable.~~

5-15. Bereavement Leave

- A. Bereavement leave shall be granted in the event of a death of a member of a full-time employee's immediate family. The ~~immediate~~ covered family members shall include: spouse, domestic partner, children (including step), mother, father (including step), brother, sister, current mother-in-law, current father-in-law, current daughter-in-law, current son-in-law, current brother-in-law, current sister-in-law, grandparents, grandchildren, and guardians.

For purposes of this section, "domestic partners" shall include adults in a committed relationship, and they are not limited to legally recognized partnership.

An employee shall be granted no more than three (3) days off with pay for the purpose of attending the funeral or alternative to a funeral, make arrangements necessitated by the death, or to grieve the death of the immediate family member. The leave must be completed within 60 days after the date the employee receives notice of the death of the family member. Employees must provide a minimum of 48 hours of notice before the leave to their Department Head, unless it is not practical, to be eligible for the leave.

When special circumstances warrant, an employee may request up to two (2) additional workdays of accrued leave, other than sick leave, subject to the approval of the Village Administrator. Paid bereavement leave for deaths other than those of the employee's "immediate family" may be granted with the approval of the Department Head and the Village Administrator, and will be considered on a case-by-case basis.

An employee who utilizes bereavement leave will be compensated for any time lost at the straight time hourly rate. If the leave occurs during a holiday, leave of absence, or on an otherwise scheduled day off, there will be no additional pay to the employee. Village Administrator may, at his or her discretion, require evidence to substantiate the eligibility for paid bereavement leave.

B. Illinois ~~Family Child Bereavement Law~~ Leave Act: Eligible employees (employees who have at least 1,250 hours of service during the prior 12 month period) are entitled to a maximum of 2 weeks (10 work days) of unpaid bereavement time following the death of a child or fertility related losses, or up to 6 weeks of unpaid bereavement time in the event of the death of more than one child or fertility related losses during a twelve-month period. The unpaid ~~child~~ family bereavement leave entitlement may not be taken in addition to paid bereavement leave, however eligible employees may use 7 days of unpaid leave combined with 3 days of paid bereavement leave.

For the purposes of this section, "child" shall include biological, adopted, step, or foster children, as well as legal wards or children of persons standing in loco parentis (in place of the parent).

For purposes of this section, "fertility related losses" shall include miscarriage, unsuccessful round of intrauterine insemination or assisted reproductive technology procedure, failed adoption match or contested adoption, failed surrogacy agreement, diagnosis that negatively impacts pregnancy/fertility, and stillbirth.

Bereavement leave time may be used to attend the funeral or alternative to a funeral, make arrangements necessitated by the death, or to grieve the death of the child/ fertility related losses. The leave must be completed within 60 days after the date the employee receives notice of the death of the child. Employees must provide 48 hours of notice before the leave, unless it is not practical. The Village Administrator may, at his or her discretion, require evidence to substantiate the eligibility for the leave.

Family Child-bereavement leave may not be taken in addition to unpaid leave permitted under the Family and Medical Leave Act, 29 U.S.C. 2601 et seq. (FMLA), and may not exceed unpaid leave time allowed under that law (FMLA).

<i>Current</i>	Vacation Hours*								Personnel
	Year 1	Year 3	Year 5	Year 10	Year 12	Year 15	Year 20	Year 25	Days
Employee Group									Year 1
MAP	80	80	120	120	136	160	160	200	
Sergeant	80	80	120	120	136	160	160	200	2
IAFF	120	120	168	192	192	216	240	240	
Battalion Chief	120	120	168	168	192	240	288	288	8
Local 150	80	80	96	120	120	136	160	160	
Non-Union	80	80	96	120	120	136	160	160	2
Management & DH	104	104	120	120	120	136	160	160	

<i>Proposed</i>	Vacation Hours*								Personnel
	Year 1	Year 3	Year 5	Year 10	Year 12	Year 15	Year 20	Year 25	Days
Employee Group									Year 1
Sergeant	-	-	-	-	-	-	-	-	3
Battalion Chief	-	-	-	192	240	240	288	288	9
Non-Union	80	96	120	136	136	160	160	160	
Management & DH	120	136	160	160	160	160	160	160	3

*Reflects Tier 2 (majority of employees are located within Tier 2)