

Village of Bellaire
ADMINISTRATION & PERSONNEL COMMITTEE

Dan Bennett, Chairman

Dave Ciganick

Bryan Hardy

COMMITTEE MEETING MINUTES

June 25, 2020

2:30 PM

I. Call to Order: Meeting was called to order at 3:30 PM.

II. Roll Call - Attendance:

Present: Trustee Ciganick, Trustee Hardy, and Chairperson Bennet

Absent: None

Staff Present: Bradley Keiser, DPW Supervisor, Cathy Odom, Treasurer, and Nicole E. Essad, Clerk

III. Approval of Agenda: The agenda was approved as presented.

Motion by Hardy, seconded by Bennett to approve the agenda as presented. Motion Passed by unanimous voice vote.

IV. Approval of Minutes: The minutes of the May 21, 2020 meeting were approved as presented.

Motion by Hardy, seconded by Bennett to approve the minutes of the May 21, 2020 as presented. Motion Passed by unanimous voice vote.

V. Conflict of Interest: None

VI. Public Comment: None

VII. Old Business: None

VIII. New Business:

- a. Application for Cemetery Maintenance Worker:** Chairperson Bennett stated that one person applied, who has previously worked for the Village. DPW Supervisor Keiser requested that this Committee forego the interview process and have this Committee recommend the applicant to the Council because there was only one applicant, who has previously worked for the Village. DPW Supervisor Keiser has talked with the applicant and the other DPW workers and the workers felt as if the applicant would do good work. Trustee Hardy stated that the applicant's file with the Village speaks for itself.

Motion by Hardy, seconded by Ciganick to recommend that the applicant, Al Odom, be hired at the first-year rate according to the current wage scale. Motion passed by unanimous voice vote.

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- b. Review Process for Employees:** Clerk Essad stated that there was not a review process for new employees, for staff in the administrative positions, and that there was discussion on having department heads review their employees but there was no action taken. Clerk Essad stated that Chief Drollinger has submitted a review process for his employees that he would like to start using. DPW Supervisor Keiser stated that he is still trying to draft a review process for his employees. Clerk Essad stated that the review process for the administrative positions needs to be figured out. Clerk Essad further stated that upon her hire, after her probationary period, her increase in pay was contingent on a satisfactory review. Clerk Essad stated that included in the packets were other municipalities review processes, that she would like to draw from. Clerk Essad asked for Committee input on the review process. General discussion about past review processes was held. Chairperson Bennett stated that there were two major problems with the review process: one was peer evaluation because there were bad feelings amongst employees which would reflect in the review, and the other was that many of the questions did not relate to the person's job. DPW Supervisor Keiser stated that was why the department heads were tasked with coming up with a review process for their respective employees. He further stated that the only item in question is how will the four administrative positions be reviewed. Chairperson Bennett stated that this Committee could do that. Trustee Hardy agreed and stated that he would like to see each administrative person to come up with their own review process and get back with this Committee. He stated he would like to see what the four administrative employees think should be in their reviews on a yearly basis. Trustee Ciganick stated that seeking out what other municipalities were doing is good, because there is no reason to reinvent the wheel. He also stated that any one of those forms, with the exception of the single page form, would be acceptable. He also stated that anything average or above should be satisfactory for the merit in relationship with the new employee. Clerk Essad stated that some of the evaluations that were included in the packets had questions for all the administrative positions. DPW Supervisor Keiser stated that he is pulling from six different evaluations to make one for the DPW employees. He further stated that this would be about 4 or 5 pages and that it would include questions and goals. Trustee Ciganick stated that was reasonable. DPW Supervisor Keiser stated that he was also working on a form for new hire evaluations after the probationary period. He stated that there needs to be something more formal for the evaluation process for new hires after the probationary period, especially if it is going to be stated in the contracts that after a satisfactory review after the probationary period, then the employee will receive a pay increase. Trustee Hardy stated that at the plant after the probationary period the employee would get together with their manager in more like an interview and then the manager would type up the conversation. He further stated that he liked that idea because then the employee would not feel like the manager was not just checking boxes. DPW Supervisor Keiser stated that he thinks it is also important to find out how the employee is liking working here and if the employee has any ideas that might improve the way things are done. Trustee Ciganick stated that it is important too, that if there is a stated policy that after the probationary period there is a review, and the supervisor does not get that review done on time, then the employee should get the pay increase retroactively, if they are entitled. Trustee Hardy asked if this was already in place. Treasurer Odom stated that it is up to this Committee and Council, but yes, she can put the pay increase on the next payroll check for the employee. Trustee Ciganick stated that the employees should not be penalized because the Village did not get their homework done. Chairperson Bennett stated that the Village could not take any disciplinary action if this Committee has not met before the probationary period is over.

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Chairperson Bennett asked if this Committee could evaluate Clerk Essad during this portion of the agenda. Clerk Essad stated that currently there is no need for an evaluation form, and that this Committee could just interview her like DPW Supervisor Keiser had done for his employees. It was the consensus of this Committee to have Clerk Essad's end of probation review under this agenda item. Chairperson Bennett stated that he appreciated the way she handled a meeting the previous night. Trustee Ciganick asked which meeting that was. Clerk Essad explained that there was a Zoning Board of Appeals (ZBA) meeting the previous night. She further explained that the meeting was regarding a variance request. General Discussion was held about the meeting and the request. Trustee Hardy stated that he was happy with the job Clerk Essad was doing in terms of communications. He further stated that he cannot be down at the Village offices all the time, and the reports and action items that Clerk Essad and Treasurer Odom put together for the Council are very helpful. Trustee Hardy stated Clerk Essad is doing a fantastic job. Trustee Ciganick stated he has had very little interaction with Clerk Essad but what little interaction he has had he is happy. He further stated that communication is critical, and Clerk Essad has done a great job with that. He thinks that Clerk Essad is getting her teeth in to the job and he hopes Clerk Essad is happy with the job. Trustee Hardy stated that he thinks that Clerk Essad has transitioned into her role easily. DPW Supervisor Keiser stated that in the thirty days that Clerk Essad has been there she has gotten a wide array of the tasks that need to be dealt with in that position.

Motion by Hardy, seconded by Ciganick to show that Clerk Essad's review after her probationary period was satisfactory. Motion passed by unanimous voice vote.

- c. **Review of Employee Handbook – Start Process:** Clerk Essad explained that there were three items that she wanted to bring to this Committee's attention.
 - i. **Employee Warning Record:** Clerk Essad stated that this item was brought up because when there was an issue with an employee, and this document was not as clear as it could be. Clerk Essad stated that the current one was adapted from one that was used by Meadowbrook. She further stated that she was drafted an Employee Warning Record on Village letter head that was clearer and that was aligned with the Employee Handbook. Trustee Ciganick asked if the Village was an at will employer. Clerk Essad stated yes. Trustee Ciganick stated that once we go down the road of progressive warnings, it is almost like we are reverting away from being an at will employer, and getting into the three-warning system. Clerk Essad stated that the Employee Handbook states that the Village is an at will employer but then it goes on to explain about the progressive discipline. She further stated that once this Committee starts to revise the Employee Handbook, then we can address that issue. Clerk Essad went on to state that the Employee Warning Record could be documentation to show that employees were warned several times for violations. She stated that this could be used to help support the Village's position for termination. Clerk Essad asked if this Committee wanted her to reach out to the Village Attorney to have a legal opinion about how being an at will employer would work with progressive discipline. It was the consensus of this Committee that Clerk Essad contact the attorney.
 - ii. **Hiring Policy Amendment:** Clerk Essad stated that this item was on the agenda because of concern of one of the Council Members about interviews for the administrative positions. She stated that she added a new paragraph stating that all interviews will be held at special meetings for the sole purpose

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of interviewing the candidates, and that members of the Council, department heads and designated staff may be on the interview panel as determined by this Committee. Chairperson Bennett stated that this answered his concerns. Trustee Hardy stated that the last time there was interviews there was twenty people in the council rooms, and asked if there was a way to go into closed session. Clerk Essad stated that during any interview, whether current employees or not, has to be held in open meeting, and for any disciplinary actions, the employee, not the Council or this Committee, can ask for a closed meeting. Clerk Essad also stated that the special meetings for the interviews can be held during the day time. Trustee Ciganick stated that generally he is opposed to special meetings because of the cost of them, but with the few times the Village turns over employees, he thinks that the Village could hold special meetings for interviews. Treasurer Odom stated that if the special meeting is during the day then staff would not be paid the meeting stipend, because it is during normal working hours.

Motion by Hardy, seconded by Ciganick to recommend to Council to accept the changes made to 4.3.2 by Clerk Essad. Motion passed by unanimous voice vote.

- iii. **FMLA:** Clerk Essad stated that this is on the agenda because of a question Treasurer Odom received on the listserv the Family Medical Leave Act (FMLA) not applying to the Village because it has less than 50 employees. She further stated that after some research it is her understanding that the Village is a covered employer under the FMLA, but the employees may not be eligible for FMLA protections because under the definition of eligible employee it does not include an employee of the Village who is employed at a worksite where the Village has less than 50 employees, if the total number of employees within a 75 mile radius of the worksite is less than 50. She stated that the FMLA is currently in the Employee Handbook, and the question was if it should be in there. Clerk Essad also stated that she can talk to legal counsel for an opinion on if the Village needs to follow the FMLA. Chairperson Bennett stated that seeking a legal opinion would help. Trustee Ciganick stated that what he understands is that the Village is under 50 so the FMLA does not apply. Treasurer Odom stated that the employees are not eligible. Clerk Essad stated that the FMLA applies to the Village because it is a public entity, but the employees are not eligible because there are less than 50. Trustee Ciganick asked why the Village could not follow the FMLA guidelines with the exclusion of the minimum number of employees. Clerk Essad stated she believes the Village can, but the attorney would need to give the Village a legal opinion on that question. Trustee Hardy stated he believes that the Village could word smith it so that it is understood that the employees may not be eligible under the federal law but the Village as an employer is doing this anyway. Clerk Essad stated that this is something that can be worked on. Clerk Essad stated that she will talk to the Village Attorney so that we have a legal opinion about this matter.

Clerk Essad stated that there were some other general issues with the Employee Handbook that she noticed and wanted to bring up for discussion. She stated that one was the probationary period, and if 30 days is enough time for an employee. Clerk Essad stated that the section regarding the hours of the work day seemed to be a little unclear, and she wondered if this Committee wanted to clean this section up. Trustee Ciganick stated that with one employee the Village has deviated from that policy. Clerk Essad suggested that this section be amended to add in subject to Council's right to change it.

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Clerk Essad also stated there are leaves of absences for certain items, but nothing in regards to maternity leave. Trustee Ciganick asked about cross over between the FMLA and maternity leave. Clerk Essad stated yes, but some time employers opt to give a certain number of weeks, either paid or unpaid. She further stated that some employers let employees bank their vacation time to use as maternity leave. Trustee Ciganick stated that once we get clarity on the FMLA that will probably cover the need for maternity leave. Clerk Essad stated that Chief Drollinger wanted to talk about the personal phone policy. DPW Supervisor Keiser informed this Committee that Chief Drollinger would not be able to attend because he was on a call. DPW Supervisor Keiser stated that Chief Drollinger had questions about the progressive discipline, the phone policy, and the probationary period, and the background check area.

- IX. Correspondence/Reports:** Chairperson Bennett stated he met with the DDA and he sent out an email regarding that. Trustee Hardy stated that the way it was worded it seemed that the DDA would be using Broad Street. Chairperson Bennett stated that the DDA will be using Mr. Short's parking lot, not be using here. Chairperson Bennett stated that he thought that was a great solution, as it will be up all the time and it does not have to be torn down. He further stated that there will be umbrellas for the tables. Chairperson Bennett asked if the Village will pick up the garbage twice a week. DPW Supervisor Keiser stated that yes, the DPW workers are putting out the trash cans as he was coming to this meeting. Trustee Ciganick stated that to be clear, as a Council he thought that they offered a viable alternative to the closure of Broad Street, which was voted on and accepted. Clerk Essad agreed, and stated that the DDA is choosing not to use that. Chairperson Bennett stated that he was asked why the closure of Broad Street went down, and in his opinion, it was because of losing the parking spaces. Trustee Hardy also stated that when it is hot, who would want to sit on blacktop and try to eat, when your feet are melting into the pavement. Chairperson Bennett stated that he was pleased with how many businesses offered to help. Trustee Ciganick stated he was opposed to closing Broad Street because not everyone who lives in Bellaire owns a business. He further stated that most of the people who the Council is responsible for do not own businesses downtown and they do not want to be obstructed for a day and a half. He stated that residents should be able to use the streets they are paying for. DPW Supervisor Keiser stated that what happened in Elk Rapids is a prime example. Clerk Essad stated that there was push back from closing Front Street in Traverse City as well. DPW Supervisor Keiser explained what happened with the Elk Rapids DDA when they wanted to close down River Street. Trustee Ciganick stated that the Village came with an alternative to closing down the road, and anyway it worked out.

Chairperson Bennett stated that the State Senate has passed a bill to allow MLCC license holders to serve alcohol outside. General discussion of this Senate bill was held.

Chairperson Bennett stated that the only problem is our restrooms and how the Village and DDA are going to work that out.

DPW Supervisor Keiser stated that the DDA offered to mow the Village's lot but due to liability issues, the DPW will continue to do that.

Chairperson Bennett stated that he attended the Zoning Board of Appeals (ZBA) meeting the previous night, and that he was appointed to those positions by the former President. He stated that it was pointed out that the

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President should not be on those boards [ZBA and Planning Commission], and he agrees with that. Chairperson Bennett stated that there will need to be some other Council member on those boards. Trustee Ciganick asked if it had to be a Council Member. Chairperson Bennett stated yes, and there needs to be another alternate for the ZBA. Chairperson Bennett stated that the ZBA meets once a year. Trustee Hardy asked if this was on the agenda for the next Council meeting. Chairperson Bennett stated yes. General discussion about who can and cannot be a member of the PC and ZBA was held. Clerk Essad stated that different Council Members can be on the PC and the ZBA, or it could be the same member as well. Trustee Ciganick asked if that was an appointment. Clerk Essad stated that yes, it is an appointment but subject to the Village Council approval. Clerk Essad stated whomever sits on these boards needs to be able to do the trainings and that that person be able to delve into the packets they are given and understand why that is before them. Clerk Essad then explained what happens when appeals from these board [ZBA and PC] are taken. Trustee Hardy, suggested that Council Member Boyd would be a good one for the ZBA.

Chairperson Bennett stated that he has heard from the Chamber of Commerce that there will be a Rubber Ducky Parade. DPW Supervisor Keiser stated that that is in flux. He also stated that the Chamber would be meeting to discuss this that afternoon. Chairperson Bennett stated that at the meeting last night, it was expressed that everyone is canceling these events, and he does not know how the Village would police the social distancing. Chairperson Bennett stated that he does not think the risk is worth it. Trustee Ciganick stated that it is not the Village's responsibility to police the social distancing. Trustee Hardy stated that the way he explains it to people who are upset that the Rubber Ducky is happening is to not come, to stay home that weekend.

X. Member/Public Comment: None

XI. Adjourn: Meeting was adjourned at 3:31 PM.

Motion by Hardy, seconded by Bennett to adjourn the meeting. Motion Passed by unanimous voice vote.

Minutes compiled by:
Nicole E. Essad, Clerk

Minutes are subject to approval.

Approved: _____

Date: _____