



**Village of Milan
Council Work Session Meeting
March 14, 2022**

A work session for the Village of Milan Council was called to order by Mayor Pam Crosby on Monday March 14, 2022 at 6:30 p.m. in the Council room at 11 S. Main Street, Milan, Ohio.

Roll call: McIlrath – yes, Bickley – yes, Rospert – yes, Taylor – yes, Shafer – yes, McManus – yes.

New Business

Discussion on the proposed Village of Milan Personnel Policies.

Section 5.8 (A.2) – add the following. Employees who have their request for leave denied may apply for a grievance in accordance with the Village’s grievance procedure, Section 10.4

Section 10.3 EMPLOYEE NOTIFICATION

(A) For disciplinary measures that are more severe than a written reprimand, the disciplined employee will be informed in writing of the right to appeal the disciplinary action to the Council.

(B) The written order will be provided to the employee prior to the effective time of the order for all disciplinary actions.

Appeal Procedures - Disciplinary actions need not be deferred pending the possible submission of an appeal.

Employee's Responsibility - Employees feeling aggrieved by either a suspension, dismissal or a change of status (e.g., demotion) may, in writing, appeal the disciplinary action to the Council.

(A) The appeal must be filed in writing with the Mayor within ten (10) days of the employee's receipt date of the written notification of the disciplinary. If the ten (10) day appeal filing time is exceeded, the Council will take no action in the matter. This appeal:

- (1) Must be signed by the individual who is appealing and include his or her department; and
- (2) Must have attached thereto a copy of the disciplinary order.

(3) The employee will present the written request for an appeal hearing in dispassionate language and shall not vilify the character or motivation of the Department Head or Council. The written request should specify either or both of the following grounds for appeal:

(a) There was a failure on the part of a Village official to observe or correctly apply the provisions of the Personnel Rules or the terms of the subject's appointment; and/or

(b) There was not a complete consideration of the facts regarding the disciplinary action taken against the appellant.

(C) The appeal hearing request should contain all written material truly relevant to the case.

(D) The Council will be provided a copy of all material presented in the request for an appeal hearing when it is filed.

(E) Appellant may have legal counsel present at the hearing.

Council Responsibility and Authority -

(A) The Council shall set a time for an appeal hearing promptly and should strive to have the hearing at the next regularly scheduled meeting after receiving the request for an appeals hearing.

(B) The Council will review all written material submitted to it. If present, the Council shall hear the appellant or his or her counsel. If present, the Council shall hear the Department Head or counsel. The Council will examine evidence upon the matter that may be pertinent and relevant.

(C) The Council may affirm, disaffirm or modify the disciplinary measure taken against the employee by a majority vote of those elected to the office.

Section 10.4 CONFLICT RESOLUTION and GRIEVANCE PROCEDURE

A. Definition of a Complaint

1. The Village believes that every employee has the right to discuss and/or disagree with management about the work environment, work relationships, and/or performance issues.

2. A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written statement to his/her Superintendent requesting a more formal procedure.

B. Complaint Procedure

1. When a conflict exists in the workplace, the parties must first attempt to resolve their dispute informally.

2. If an informal resolution to a complaint cannot be achieved, the employee will meet with applicable department head who will meet with any other parties of the situation and attempt to bring about a fair and equitable resolution. If the dispute or complaint involves an employee and his/her supervisor or department head, either may request that the Administrator serve as a neutral party to achieving a resolution.

3. If a complaint cites issues of law that the individual attempting to resolve the issue cannot address, a copy of the complaint will be sent to the Village Solicitor for an opinion before proceeding. Any complaint regarding alleged violations of Civil Rights (discrimination on

the basis of race, age, religion, sex, national origin, or disability) will be brought to the attention of the Village Administrator and/or Mayor (See section 1.8 Fair employment practices)

4. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the Ohio Civil Rights Commission, the Equal Opportunity Commission, or any court of competent jurisdiction. However, if an employee elects to file a complaint on a matter over which another administrative agency or court body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that administrative agency or court.

5. Any employee currently in probationary status does not have the right of filing complaints pursuant to the grievance procedure.

C. Grievance procedure - When a conflict cannot be resolved Employees of the Village may file a grievance against adverse personnel actions taken by their immediate supervisor, the Mayor, or Village Administrator. Examples of adverse actions include, but are not limited to, wrongfully filed written reprimands or a disagreement as set forth in section 5.8(2)(a). An employee who does not follow the procedures below may have their grievance voided. Any employee serving a probationary period is not eligible to appeal any disciplinary action through the grievance procedure.

Step One

1. Employees who want to file a grievance must submit a written "Request for Reconsideration" to the Village official issuing the disciplinary notice or order within three (3) business days after receiving such notice or order. Such written request should include any additional information surrounding the case that the employee wishes to present and a statement of how such information should result in a different result.

2. The Village official issuing the disciplinary notice or order shall schedule a meeting with the aggrieved employee to review the request within three (3) days after receiving the written Request for Reconsideration and issue a written decision within three (3) days of such meeting. Either party may request the attendance of the Mayor, Village Administrator, other Village employee(s), or legal counsel for such meeting.

Step Two

1. Employees receiving unfavorable results from the "Request for Reconsideration" may file a grievance to the Mayor. The grievance must be filed within ten (10) days after the decision by the Village Official who acted upon the employee's Request for Reconsideration. The grievance must be in writing and submitted to the Mayor within ten (10) business days or no action will be taken on the grievance. The grievance shall specify the grounds for the grievance and include a written statement containing the employee's account of the incident and

any facts not previously considered. The grievance shall be signed and include any copies of documents or any other evidence the employee wants considered.

Step Three

1. The Mayor shall set a date for a grievance hearing no later than fifteen (15) days after receiving a properly filed grievance.
2. At the hearing, the employee and the Village official issuing the punishment shall have the opportunity to appear before the Mayor and present all pertinent information supporting their positions, provided that the evidence was included with the written grievance.
3. The Mayor shall decide to affirm, disaffirm, or modify the disciplinary order or order within ten (10) business days following the hearing.
 - a. The Mayor may extend the decision period for another ten (10) day period if necessary for consultation with the Village Solicitor or other legal counsel, further investigate the matter, or for any other appropriate circumstance.
4. The decision of the Mayor shall be considered final.

Section 8.13 UNIFORM ALLOWANCE-STREETS AND UTILITIES

8.13 UNIFORM ALLOWANCE-STREETS AND UTILITIES.

The Village shall provide a clothing allowance, to include pants, shirts, jackets and footwear to each full-time employee working with the Streets and Parks Department, the Water and Sewer Department and Electrical Department of Four Hundred Dollars (\$400.00) per year. Such clothing allowance shall be reimbursed to the employee upon presentation of a receipt for the clothing purchased and the amount left in an employee's account shall not carry over year to year. **Delete the following**, it is the intent of the Village Council to allow for an additional \$50 to embroider or silk screen the Village Logo on their t-shirts, hoodies, and jackets by January 1, 2024.

Omit the uniform allowance for the Administration office

The Village shall provide a clothing allowance to include pants, shirts, jackets, and footwear to each full-time employee working in the Utility Cashier and Fiscal Officer's position of Two Hundred Dollars (\$200) per year. Such clothing allowance shall be reimbursed to the employee upon presentation of a receipt for the clothing purchased and the amount left in an employee's account shall not carry over year to year.

Re-add the following: Cashiers and Assistance Cashiers will not receive a clothing allowance.

Section 8.2 ATTENDANCE – add the following;

D. WEATHER RELATED ABSENCES

1. Under the discretion of the Mayor or his/her designee, employees may be directed to stay home or be sent home during inclement weather or emergency as time paid. The Mayor shall have the right to have employees take their equipment and work from home, when possible.

Change F. to E. HOMELAND SECURITY LEVEL RESTRICTIONS

Section 5.7 APPROVED LEAVE OF ABSENCE FOR VOLUNTARY FIRE CALL – add the following;

9. With the exception of Section 5.7 (4) Approved Leave of Absence for Voluntary Fire Calls, employees under this section will not be entitled to overtime compensation, while making up hours missed for a fire call absence.

Section 5.4 SICK LEAVE – add the following to section D.

D. Police Officers must directly inform the officer on duty a minimum of three (3) hours prior to the beginning of his/her scheduled shift on the requested sick leave day. Failure to do so may result in the denial of sick leave for the period of absence.

Section 5.3 HOLIDAYS – add the following to each appropriate section listed; A. Juneteenth B. All full-time employees D. Only employees in active pay status will receive holiday pay. An employee who is not on active pay status the day before a holiday will not receive holiday pay unless the Administrator approves such absence and the resulting payment. G. Seasonal, intermittent, temporary, and part-time employees are not eligible for holiday pay.

Section 1.3 OBJECTIVES – add the following; B. 2. Provide fair and equal opportunity for qualified persons to enter and progress in service based upon merit and fitness as determined through objective and practical personnel management practices including but not limited to annual performance evaluations conducted by the Village Administrator, Mayor, or Supervisors in their respective offices/departments. The Village Administrator, Fiscal Officer and Police Chief will be evaluated by the Mayor with the input from the Council.

Section 3.6 – HOURS OF WORK

CALL-OUT DUTIES/MEETING ATTENDANCE – D. 3. Requested attendance at a Council meeting or Council-related committee meeting is not considered a call-out. As such, time spent at these meetings shall be paid at an employee's current hourly rate for the actual amount of time in attendance. Employees who attend such meetings at their own discretion shall not receive any compensation for meeting attendance.

Unfinished Business – Fiscal Officer Ramey would like Council to make a decision on the two employees that have not been taken off probation.

Questions for Next Meeting – None

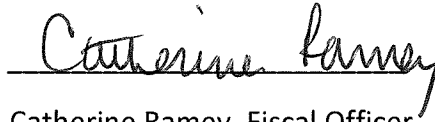
Adjournment

Motion by Taylor, seconded by Shafer, to adjourn tonight's meeting.

Roll call: Bickley – yes, McIlrath - yes, Rospert – yes, Taylor – yes, McManus – yes.



Carla Rospert, Council President



Catherine Ramey, Fiscal Officer