

**OPERATIONS & PERSONNEL COMMITTEE MEETING**  
**November 16, 2015**  
**5:30 P.M.**

**MEMBERS PRESENT**

Dave Drobisch  
Jerry Potts  
John Jackson  
Kevin Meachum

**COUNTY PERSONNEL PRESENT**

Steve Bean, County Clerk  
Sheri Wallace, HR  
Mary Eaton, Recorder  
Robyn McCoy, Workforce  
Jeannie Durham, County Board Office

**MEMBERS ABSENT**

Verzell Taylor  
Bryan Smith  
Linda Little, Chair

The meeting was called to order by Dave Drobisch at the Macon County Office Building.

**MINUTES**

Motion to approve minutes of prior meeting, October 19, 2015 made by Mr. Meachum, seconded by Mr. Jackson and motion carried 4-0.

**APPROVAL OF PAYROLL AND CLAIMS**

Motion to approve payroll as presented made by Mr. Potts, seconded by Mr. Jackson and the motion carried 4-0.

Motion to approve the claims report as presented was made by Mr. Meachum, seconded by Mr. Potts and motion carried 4-0.

**REPORTS**

***Auditor's Office –***

***Macon County Board Resolution Accepting a One Year Proposal from Midwest Employers Casualty for Workers Compensation Excess Liability Insurance Coverage***

Ms. Wallace explained that this will be the second year with Midwest Employers Casualty and they have agreed not to raise the retention amounts, but the estimated premium has increased by 5% which will be approximately \$3,500. The prior year premium was \$66,624. The estimated premium, which will be available for the Finance Committee meeting, is \$69,955.

Motion to approve forwarding the resolution to the Finance Committee with recommendation to approve made by Mr. Potts, seconded by Mr. Jackson and the motion carried 4-0.

*Macon County Board Resolution Amending the Macon County Employee Handbook for updates*

Ms. Wallace explained that the update is for the Family Medical Leave Act. One sentence in Section C6.1 has been crossed out, An employee shall exhaust all vacation and sick leave time prior to taking unpaid leave. This has been expanded to explain everything more clearly, not only to the employees but also to the supervisors so everyone will understand very clearly how this plan has been working since the policy was written in 2006. This should clarify everything. This was reviewed by Mike Baggett with the State's Attorney's Office.

Mr. Jackson clarified that this is essentially the same thing, just clarified. Ms. Wallace confirmed saying that it explains that employees are not supposed to take vacations and sick leave pay before they apply for FMLA. The plan is meant to run concurrently. It is the policy of Macon County that employees will not exhaust all of their vacation and sick time and then apply for FMLA.

Mr. Potts summarized that the vacation and sick time would be running at the same time as the FMLA. You get 12 weeks, but will be using vacation and sick leave at the same time. Ms. Wallace confirmed saying that is the way the FMLA should be administrated. If you do not administrate it this way, you will have an employee out for 12 weeks plus vacation and sick time leaving the departments without an employee for up to 6 months or more.

Mr. Meachum said he is concerned that 12 weeks is all you're going to get, no matter what. If you're gone for more than 12 weeks, they have the right to fire you. That is what it amounts to. Ms. Wallace explained that that is the way the leave works. It is a federal law. Mr. Meachum said he knew it is a federal law, but he feels that we don't have to abide by the federal law if we do not so desire. We can let them use their sick leave that they have acquired toward their retirement. There are a lot of county employees that have 8 months sick leave built up. Ms. Wallace said this will not affect an employee's retirement toward sick leave. Mr. Meachum said that there is sick leave that they can use.

Mr. Jackson said that if they are off 12 weeks, they have to take their accrued sick time. It would be applied toward that 12 weeks.

Mr. Meachum said, yes on the IMRF but the kicker is that they can only be gone 12 weeks. Ms. Wallace said yes that is right. That is what the law protects for anyone – 12 weeks. Mr. Meachum said that the way the policy is right now, they can use their sick leave and not apply for FMLA if they so desire not too. Ms. Wallace said that is not correct. If someone is out, their leave can still be designated as FMLA even if FMLA approved paperwork is not received back from the doctor. If they are out for surgery and they are gone for 3 months and they choose not to fill out the paperwork, you can still designate it as FMLA.

Mr. Meachum said there are some employees in the county that only have about 2 or 3 days. They use sick leave like vacation. He said he feels like the Board would be punishing employees that actually save their sick leave for when they are actually sick. That is what he has a problem with. There are employees that probably don't have 5 days sick leave on the books. Ms. Wallace confirmed that that is correct. Mr. Meachum said there are others that have 6 or 8 months that have earned those days. Ms. Wallace said another thing that needs to be considered when looking at the policies is that they need to put themselves into the department's eyes; put themselves into the supervisor's eyes. When they are without a body and with the departments being at such low counts right now, for 6 months, and it is happening, you cannot hire or replace that person and every employee is picking up all the extra job duties. It is not fair to the rest of the staff. The law was never intended to run a 6 months worth of coverage. Mr. Meachum said that you are talking about 15 to 20 year employees that have built up 6 to 8 months of sick leave and this law was not around when they came. They've honestly preserved their sick leave and now, if they would have to have knee surgery and they're out for 4 months, they are outside this 12 week window and we have a right to fire them.

Ms. Wallace reminded everyone that this policy has been in place since 2006. It is not being changed. It is being clarified as to how the law should be administrated. This has been in place, the same way, since 2006. If every department is not consistent, all we are doing is opening ourselves up for a lawsuit. We have to be doing things the same. This came from Ed Flynn and Mike Baggett. We have all discussed it. Mr. Meachum said he just does not like that we've had employees save their sick leave for a major injury and now we're saying that they get 12 weeks and if they don't come back to work, they're fired. He said he has a problem with that. You have long term employees and you're going to throw them to the street after 12 week no matter what. He said he would not vote for this.

Motion to approve forwarding to the full board with recommendation to approve made by Mr. Jackson, seconded by Mr. Potts, and the motion carried 3-1 with Mr. Meachum voting nay.

Mr. Drobisch explained that this will now be passed on to the full board. Mr. Meachum said he just does not like how this was done federally and they are shoving it down our throats. Our long term employees have a lot of sick leave and he said he just does not like how this federal law is. Mr. Drobisch advised Mr. Meachum to bring it up to the full board and to ask the State's Attorney for an opinion before hand so there is no delay at the meeting. Mr. Meachum said he understood that Ms. Wallace is following the law, but he felt that someone has to speak up for the long term employees of the county. They've stuck with us when we were broke back in 2000. They are still here and have saved their sick leave. He said he just doesn't want them to get short changed.

Ms. Wallace added that there is currently legislation where they are looking at a paid FMLA leave. We are not only going to tackle this now, but we're going to have to look at it again as changes come about. The Act just keeps changing.

Mr. Potts asked if someone mandatorily goes on FMLA if they are off for so many days. Ms. Wallace said after 3 days they look to see if it is a qualified leave. Mr. Potts said he didn't like that part of it.

Mr. Drobisch said that if it comes to a lawsuit, the Courts are going to look at it from the standpoint of what the Feds say whether we like it or not. We may be defeating our own purpose.

***County Board – no report***

***County Clerk –***

Mr. Bean reminded everyone that petition filing for the March 15, 2016 election of officers that include the Auditor, Circuit Clerk, Coroner, Recorder and States Attorney plus 11 board seats begins at 8 a.m. on Monday and goes until 5 p.m. on the 30<sup>th</sup>.

The state has mandated that counties over 100,000 have to offer same day registration in polling places. We have done some more combining of polling places with the idea that the amount of equipment that will have to be purchased to meet this mandate.

***Recorder – no report***

***Workforce Investments – no report***

***Citizens' Remarks - none***

***Old Business - none***

***New Business - none***

**CLOSED SESSION** None needed

**NEXT MEETING** Monday, December 21, 2015

**ADJOURNMENT**

Motion to adjourn made by Mr. Potts, seconded by Mr. Jackson and Acting Chair Drobisch adjourned the meeting at 5:45p.m.

*Minutes submitted by Jeannie Durham, County Board Office*