

OPERATIONS & PERSONNEL COMMITTEE MEETING
December 18, 2017 **5:30 P.M.**

MEMBERS PRESENT

Bryan Smith, Chair
Jerry Potts
Kevin Meachum
John Jackson
Patty Cox (arrived @ 5:34p.m.)
Bill Oliver

COUNTY PERSONNEL PRESENT

Mike Baggett, State's Attorney' Office
Mary Eaton, Recorder
Carol Reed, Auditor
Jessie Smalley, HR
Jay Dunn, County Board Chairman
Jeannie Durham, County Board Office

MEMBERS ABSENT

Dave Drobisch

The meeting was called to order by Chair Smith at the Macon County Office Building.

MINUTES

Motion to approve minutes of prior meeting, October 23, 2017 made by Mr. Potts, seconded by Mr. Oliver and motion carried 5-0. The November meeting was cancelled due to lack of quorum.

APPROVAL OF PAYROLL AND CLAIMS

Motion to approve payroll as presented made by Mr. Meachum, seconded by Mr. Jackson and the motion carried 5-0.

Motion to approve the claims as presented was made by Mr. Oliver, seconded by Mr. Jackson, and motion carried 5-0.

REPORTS

Auditor's Office –

Macon County Board Resolution Adopting a Non-Discrimination and Anti-Harassment Policy

Ms. Smalley explained that there has been an update to the Illinois State Law on sexual harassment, so revisions have been done to the policy that is currently in the handbook. It needs to be in the handbook to correspond with the law effective January 15, 2018.

Chair Smith asked if this would include elected officials. Ms. Smalley confirmed that it does. There are no set guidelines for training yet. She said she is working with Mr. Ed Flynn and the hope is that by February, they can start to work on getting the training for elected officials and supervisors

Mr. Meachum made a motion, seconded by Mr. Jackson to forward the resolution and policy on to the full board with recommendation to approve.

Mr. Oliver asked if the Law Enforcement would be covered by the policy. Mr. Baggett said that the new statute requires that everyone in the county, whether elected, appointed or an employee has to undergo this training. The regulations governing the training have not yet been promulgated by the state, so we don't know exactly what the training is required to include. Ms. Smalley and Mr. Flynn are going to work together on making sure that whatever training we come up with is done in accordance with the state law. Because this is a state law which mandates it, this does apply to the entire county. Mr. Oliver said that the specific reason he was asking was because he had had a lot of questions about law enforcement and judiciary and how it would affect them. He asked when it would go into effect. Mr. Baggett explained that it is planned that this would go into effect on the 11th of January, 2018 at the Board's next meeting. It has to be in effect by the 15th of January by state law. Mr. Oliver asked if everyone would be notified. Mr. Baggett confirmed that they would be saying that once the board adopts the policy, it would be sent out to all departments for distribution to employees and collection of acknowledgements from them.

Mr. Potts questioned the responsive action and asked if it was new or if it had always been in the old policy. Ms. Smalley said that in comparing it to what was in the handbook in the past, the main things that changed is that retaliation against someone that reports sexual harassment, the availability of the whistle blower protection and then as far as reporting outside of the county, they also now have the Department of Human Rights verbiage. Mr. Potts commented about pointing out pertinent changes by highlighting them. Mr. Baggett explained that that is not how this was written. An existing policy was not changed. This is a new policy and is response to the legislature's action. A statute was adopted which applies to the counties and any other local government entities that you have to adopt a policy which does, at a minimum, the following: it has to prohibit sexual harassment, there has to be a procedure for reporting an allegation of sexual harassment, there has to be a prohibition on retaliating for reporting an allegation of sexual harassment, the consequences for violating the sexual harassment policy and for knowingly making a false report have to be delineated in our policy. While the county had a prior sexual harassment policy in its employee handbook, this is not a signal in any way that the county's former policy was not enough, was not a useful tool, or that it wasn't strong enough. This is simply a reaction to the legislature saying, "you have to do this..., exactly this." So, we are doing exactly this. In fact, we are moving beyond just sexual harassment and are including other forms of discrimination or harassment within this policy. Mr. Potts said his point was that it says that Macon County will determine what constitutes harassment. He asked if it shouldn't state that the State of Illinois will determine it. Ms. Cox commented that it is the county's policy, not the State of Illinois. They just put out the guidelines we have to follow. Mr. Potts asked if those are the only guidelines then. Mr. Baggett explained that the County is adopting, with this policy, a definition of what sexual harassment is. That is on page 2. So, this defines what sexual harassment and other types of harassment are. It will be up to the County whether that is the State's Attorney, a department head or supervisor, the Human Resources Manager to determine whether the complaint of conduct constitutes harassment under this definition. It will be taken on a case by case basis, but the County is defining what harassment is in this policy.

Mr. Oliver asked about enforcement of the policy. Mr. Baggett repeated the question as, what would happen in the event of conflict of interest between the complainant and whoever the complainant is complaining to. He explained that the policy does set forth a number of personnel within the county that the complaints can be addressed to. It does set forth that if an employee feels that his or her complaint either is not being taken seriously by their supervisor or department head or anyone else or that the supervisor or department head is the problem, then it gives them an alternate avenue to approach as far as reporting that conduct. The goal is that with all of these different entities, an employee should be able to find somebody within the county to report these allegations to if they occur that would not have a conflict of interest. In the event that every single person on this reporting chain has a conflict, the employee always has the option of reporting this conduct to the Illinois Department of Human Rights or the Equal Employment Opportunity Commission which are federal and state entities. Chair Smith added that on page 5 under the investigation, it says Macon County reserves the right and hereby provides notice that third parties may be used to investigate claims of harassment. He said he thought that was what Mr. Oliver was asking. He said that where it says third parties may be “sued” probably should be “used”. Mr. Baggett said he had read that and wasn’t sure. He will check with the drafter on the wording. He said it is possible that he meant sued. It is more likely it was meant to be used, but it is possible that a third party could be sued. For example, if there is a vender who is harassing an employee, we might sue them.

Mr. Potts said he would include that as a scrivener’s error in his motion and if there is a typo, it should be corrected before it goes forward to the full county board.

Mr. Oliver asked about the State’s Attorney’s Office. Mr. Baggett said the State’s Attorney’s office would be, under the reporting chain of command, the final county entity option to report to as far as if you can’t report it to your supervisor, department head, Human Resources Manager or County Board. There is nothing in the policy which requires that an employee go particularly in this order. There is nothing that prevents them from skipping to the end. The goal would be to keep it in a chain of command. That would logistically make things easier, but there is nothing that prohibits from immediately going to the State’s Attorney or to the County Board Chair or whoever they think might be of help. Mr. Oliver asked if there was a timeline for complaints. Mr. Baggett said no, but employees are encouraged to report as soon as they can. There is no hard and fast timeline under the policy that reports have to be made. Mr. Oliver commented that some of these can get far out. Mr. Baggett said the purpose of the policy is not to create a statute of limitations as in a criminal offense. As a personnel practice for the County, we do not want to treat it like a criminal offense. These are employee practices. If conduct occurs and it is not reported for a significant period of time, that will obviously have some impact on the investigation of the complaint of conduct, but we don’t want to put a bright line rule in our policy that says you cannot report it if you haven’t done so within 6 months, a year or 2 years.

The motion carried 6-0.

Ms. Reed went on to report that the workers comp excess renewal options came in on Friday from Gallagher. We have a two year expiring contract with them and they would only renew the next year for one year. We have been with Midwest for 2 years now. Before that, we were with Safety National. There are only 2 players in the game, Safety National & Midwest. We did take it out, but the other one would not quote it because Midwest has had it and there are no problems there. It has a 7% increase for next year, which is pretty reasonable. The reason they won't do a two year is that Gallagher thinks there is a change in the market and the market is shifting somewhat. So, we may see an increase next year too. This is what we are seeing for next year. Ms. Reed said her plan, if ok with this committee, is to take the resolution to the Finance Committee.

Mr. Meachum asked if Ms. Reed was recommending the one year option. Ms. Reed confirmed saying that renewal option 1 was her recommendation. Mr. Meachum commented that the federal government just passed or are going to pass a budget with all these cuts and it is going to affect the health insurance industry and he said he was wondering how it is going to affect our compensation. Ms. Reed said she thought that that was one reason they only quoted one year. Mr. Meachum said he was worried about it going up double the 7%. He said he has concerns and asked if that was the reason that they don't want to go a 2 year renewal. Ms. Reed said that it could be. The option 2 they gave was to raise the self insured retention from \$500,000 to \$550,000. We're not really wanting to go there. One claim that exceeded it would kill any premium savings we had. We prefer to stay with the \$500,000 self insure retention. So, this was basically the only option. Mr. Meachum said he was asking these tough questions because the new budget is going or could be passed if you listen to the media and with the uncertainty, he said he is concerned that next year our budget could explode on our compensation. Ms. Reed said they would have liked to have gone for a 2 year renewal, but it was not an option. Mr. Jackson asked about the difference between option 1 and 2. Ms. Reed said it would have only gone up 3% with option 2 and it is going up 7% with option 1, but the difference is in the retention of \$500,000 or \$550,000. She said they just felt that the \$2,800 difference was better spent at that level.

Committee members agreed that Ms. Reed should take the resolution straight to the Finance Committee for consideration.

County Board –

Chairman Dunn had nothing to report

County Clerk – No Report

Recorder

Ms. Eaton distributed reports and offered to answer questions. There were none.

Workforce Investments – No Report

Ms. Wilkerson was unable to be in attendance and was excused.

Citizens' Remarks - none

Old Business - none

New Business – none

CLOSED SESSION None needed

NEXT MEETING: January 22, 2018

ADJOURNMENT

Motion to adjourn by Mr. Oliver, seconded by Mr. Potts, motion carried 6-0, Chair Smith adjourned the meeting at 5:50 p.m.

Minutes submitted by Jeannie Durham, County Board Office