

**The Rules Committee** held a meeting on  
**Wednesday, October 9<sup>th</sup>, 2024** beginning at 6:12 P.M.

**Committee Members Present:**

Utilities: Chair Davis, Oswald, Armstrong, Stewart

Rules: Chair Cerra, Callahan, Stewart

Others: Siwierka,

Absence: Mitchell, Tollett (excused)

**Administration and Department Heads Present:** Safety Service Dir Pyanowski, Law Dir Deery, Public Works Leader Jacob, Parks & Rec Dir Reardon, Prosecutor's Office Admin Specialist Darmstadt

**1. Approval of the September 18<sup>th</sup>, 2024 Rules Committee Meeting Minutes as circulated.**

Mr. Stewart moved, second by Mr. Callahan to approved these meeting minutes.

**MOTION CARRIES**

**2. The matter of a New Policy Manual and related changes to Chapter 165.**

Referred By: HR Dir Yousefi

Dir Pyanowski said HR Dir Yousefi and Susan Anderson are here in case there are questions. They started putting this policy manual together earlier this year. The Mayor wanted to see this be completed so they have been working at it diligently. They've had multiple meetings with the core team and they've met multiple times with department heads to get their feedback on the proposed manual. They've made multiple revisions and they have also been looking at chapter 165 rules & regulations, to get those updated so they would be consistent with the personnel manual. An employer the size of the City of Elyria should have a policy manual of this sort and it benefits both the employee as well as the employer. A manual should promote consistency and predictability of benefits and rights and processes of which both parties will engage in.

Mrs. Siwierka asked if there are job descriptions current for all jobs in the City at this time, because a lot of this is reliant on job description.

Dir Yousefi said they do have job descriptions for almost all of the current jobs, including all of the union positions as well as any new Ch 165 jobs.

Mrs. Siwierka asked how the EEOC section will work, if someone has a harassment complaint?

Dir Yousefi said instead of having the EEOC Committee, which was part of an advisory committee, they will move it to the responsibility of the DEI Committee which will hear any type of complaint and which will still follow thru with the harassment process, which is outlined in the policy manual.

Mrs. Siwierka asked in her experience as an HR Dir, they will let an employee who has a complaint go to another employee who is a volunteer on a committee in order to resolve the complaint?

Dir Yousefi said it will go to HR first and if there's a need for a committee meeting, then it would move to the DEI Committee.

Mrs. Siwierka asked what is the expertise of these people on this committee that will hear the complaint.

Dir Yousefi said she is the chair of that committee and they have done training with the employees on that committee on the topic of discrimination, bias, etc.

Dir Deery said issues of discrimination and harassment will still be governed by ECO Chapter 165.29 and there are proposed revisions to bring this up to date with Federal and State Law. The matter would go to the HR Dir and if it was inappropriate to go to the HR Dir, it would then go to the Law Dir and or Administrative Legal Counsel to handle investigations.

Mrs. Siwierka stated that the direct responsibility is going to the human resource department, should that be referenced in the policy manual?

Dir Yousefi said yes, they will add that.

Mrs. Siwierka said she sent in some suggestions and some of them were incorporated. She asked what the final revision of the FMAL policy was and her suggestion was to have the policy say, it's referenced the Federal FMLA policy. If the Federal policy changes, the City's policy may change or be nullified or if a bargaining agreement has a different FMLA policy.

Dir Yousefi said it was her understanding that if the FMLA changes, that would trump anything we have.

Mrs. Siwierka said that's what her suggestion in the beginning was, to say that the city follows the Federal Law and does not have a separate structure.

Dir Pyanowski said if there is a collective bargaining agreement that has an FMLA policy, that would trump the personnel policy. We can add something that says, in the event that the Federal law changes, our policy will make those changes as well. Our process to update might lag a little and there might be a gap, but, we would monitor those. It's helpful for the employee's sake to have, at least, some of the guts of the policy. Most policy manuals should include enough guidance that the employee can go to that one source and that it would be presented in a less legal way so it's easier to understand.

Mrs. Siwierka said that is exactly what was just done in Avon Lake. Their policy manual was re-written referencing the Federal law, but, if the Federal law changes, it will change for the manual.

She said on the draft from a few months ago, there were some sections that said 'shall' x y and z and some sections that said 'may' x y and z. That was her concern, either it's consistent to say 'shall' or to say 'may'.

Dir Yousefi said they had updated some sections from Mrs. Siwierka's suggestions.

Mrs. Siwierka asked how they will disseminate this, will each employee get a copy, will it be posted on the website?

Dir Pyanowski said they aren't ready to roll it out yet and they will have to figure out how they will converse with the union leadership and so forth. His suggestion would be, that we put it on the intranet and make it accessible to everyone and to make sure that link on the intranet is the most current version.

Mrs. Siwierka asked if they will have employees sign off that they have acknowledged it and put that signed page in their personnel file?

Dir Pyanowski said yes.

**Motion made by Mr. Stewart, second by Mr. Callahan authorizing an ordinance accepting the said policy manual and said changes to Codified Ordinance Ch 165.  
MOTION CARRIES COMMITTEE REPORT WRITTEN**

### **3. The matter of a change to Chapter 165.07 (b) (1), usage of sick leave.**

Referred By: Prosecutor's Office Admin Specialists Darmstadt, Mollenkamp and Reisz  
*(this matter will be discussed with Agenda Item #2 ~ above)*

Administrative Specialist Cathy Darmstadt said the section that they are questioning is that sick leave is charged at a minimum of one-hour exact time and for anything over one hour and eight hours for the work day. For example, if someone's hours are 8 to 4:30 and if someone has an appointment at 7:30 and can be at work at 8:30, but, they can't clock into work until 9:00 or they have to use personal time or vacation time instead of sick time. They are asking the minimum be lowered to either 15-minute increments or a half hour, so they don't have to use an entire hour of sick time if it's not needed. The EPPA contract allows them to use half hour increments as well as the IAFF contract, they are asking to use 15-minute increment or half hour as a minimum.

Dir Pyanowski said they discussed this with managers and department heads because this is an issue they run into a lot and they advocated to keep it at the one hour. Because they are trying to set up crews for the day and someone could be running late. It may not cause an issue in some departments, but might for others. It does become relevant. He stated that he would be open to changing it to half hour increments if that is an acceptable compromise. That would balance it out.

Mrs. Siwierka asked if the timing system is still on 10ths of an hour? Which is every six minutes.

Dir Deery said she believes that for payroll sake and consistency and there does need to be a minimum amount. For vacation and personal holiday time, the minimum is a half hour and anything beyond that is the tenth of an hour. If there is a collective bargaining agreement that is more specific on this, or conflicts, then that would prevail. This could be for non-collective bargaining employees.

Pres Stewart asked if they are looking for action on this, based on comments tonight in regards to the other departments or unions, is this something that should be put in pending items until those conversations have been had?

Dir Pyanowski said given that they are looking at CH 165 revisions right now, the timing is good and it could go into pending. He would like to check with Finance to get their input before a decision is made.

Pres Stewart said once everyone is on the same page and we're all looking at it the same way. He recommends to put this matter into pending items at this time.

Attorney Susan Anderson said that each of the collective bargaining agreements does specify minimum increments for use of sick leave, whatever change is made, the collective bargaining agreement will prevail unless something is negotiated differently. She agrees with Dir Pyanowski in terms of the moving parts that are involved in making a change in talking to Finance and Department Heads and that sort of thing for operational reasons and she would suggest that kind of fact finding occur.

Mrs. Siwierka said this is a small group of employees that this would affect. The rest of the employees are covered under collective bargaining agreements.

Attorney Anderson added that in terms of rolling out the policy manual to employees and to the unions. Her team will notify the unions of the City's intent to implement this policy manual. Each of the collective bargaining agreements addresses the city's authority to implement policy and they each have their own procedure that is required to follow. She'll be working with the Director to follow those procedures and give the required notification to the unions and that will happen in next few weeks.

*Chair Cerra asked if the committee is okay with placing this in pending items?  
Everyone said yes.*

*Mr. Cerra asked for a motion to adjourn:*

**Motion moved by Mr. Stewart and seconded by Mr. Callahan to adjourn the  
October 9<sup>th</sup>, 2024 Rules Committee Meeting at 6:40 P.M.  
MOTION CARRIES**

*Respectfully Submitted by,  
Colleen Rosado, Secretary/Administrative Assistant*