

June 3, 2021

The Board of Public Works & Safety met on Monday, June 3, 2021, at 10:00 a.m. in the Marion City Council Chambers. Present were Alex Huskey, Cindy Cunningham, Brian Flynn, Linda Wilk, and secretary to the board.

Motion to approve the minutes for May 17, 2021- Linda Wilk; seconded Brian Flynn.

Motion carried.

City of Marion- Public Hearing

Janet Pearson: Good morning.

In unison: Good morning.

Janet Pearson: The properties that you have on your agenda this morning are city owned lots.

And we have 13, I am sorry 311 and 315 E. 30th St. for \$800. Then the second one 1724 S.

Washington St. for \$800. These are city owned lots and we are asking for approval to sell and get them back on the tax rolls.

Linda Wilk: And they are both empty and vacant lots?

Janet Pearson: Yeah.

Motion to approve the sale of these properties- Brian Flynn; seconded Cindy Cunningham.

Motion carried.

Alex Huskey: I forgot to make an announcement at the beginning. If you do have a cell phone please mute them or turn them off for the meeting so that the recording will not pick up that extra noise. Thank you. The next item on the agenda is the F.O.P. Contract changes speaking Nick McPike.

F.O.P. Contract changes

Alex Huskey: Good morning.

Nick McPike: Good morning, sir. Sorry I am going to use my phone to refer to the changes.

Alex Huskey: Certainly.

Nick McPike: My name is Nick McPike and I am the new F.O.P. President. I want to thank the board for their patience with this, um as it has taken a little bit longer than expected to get back with you guys. We are now prepared to share the changes with you if I may proceed.

Alex Huskey: Please do.

Nick McPike: The first section that we propose to change was probationary officers. The section read *"Newly hired officers shall serve at the pleasure of the employer and maybe removed any time during the one year probationary period without any right to appeal. Upon completion of the required probationary period the police officer shall become eligible for inclusion in the bargaining unit, representation by the F.O.P. and assignment to the established rate of pay of third class police officer."* We are repealing bargaining unit police officers that successfully complete their new hire probationary period shall be appropriate rate established in the pay scale at the rank of third class police officer. We are removing section 2 point, section 25.3 to 25.2 and the revised section of 9.1 now reads. *"Newly hired police officers shall serve at the pleasure of the employer and may be removed any time during the one year probationary period without any right to appeal. Upon hire the police officer shall become eligible for the inclusion of the*

bargaining unit and assignment to the established rate of pay for the third class police officer. It is the intention of the parties of this agreement that nothing in this section is intended to alter the status of the probationary as an employee at will nor will it entitle the probationary to legal representation in an discipline action brought by the employer up to and including termination. The added section of 9.2 as a probationary employer are not eligible to receive any uniform allowance as described in article 28 of this agreement.

Alex Huskey: Are there any questions on any of that?

Brian Flynn: I do. In your chart does it employee probationary employees as part of the bargaining unit?

Nick McPike: It will now with this new...

Brian Flynn: With this language it does.

Nick McPike: With this language it does.

Brian Flynn: That is all I have. Thank you.

Alex Huskey: Any additional questions on this section?

Nick McPike: Okay, if there is nothing further I will proceed. Uh, this next section is about holiday pay. This is section 34.1 the old section reads *"all full time police officers shall receive compensation for the following eleven holidays each year. And they are as follows: New Year's Day, Martin Luther King Day, Presidents Day, Easter, Memorial Day, Columbus Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day."* The revised section now reads: *"All full time employees shall receive compensation for the following fourteen holidays: New Year's Day, Good Friday, Independence Day, Columbus Day, Thanksgiving Day, Christmas Eve, Primary Election Day, Martin Luther King Day, Memorial Day, Labor Day, Veteran's Day, the Friday after Thanksgiving, Christmas Day, and General Election Day."* If you notice the asterisks at the bottom explain that if Christmas Eve falls on a weekend the holiday will not be observed and during non-election years these holidays will not be observed as far as the primary and general election days.

Alex Huskey: Can you explain why election days were added in as holidays?

Nick McPike: Um to be honest sir I was not on the negotiating committee. I am not sure why they were added. Umm, I would assume just to have further the pay for the officers working those days.

Alex Huskey: Chief Haley or Mr. Flynn are you familiar...

Chief Angela: I was just confirming with him what I believe what we were doing. The reason we changed it was to reflect what the other city employees are already observing. So, it just mirrors what every other city employee according to the handbook that.

Alex Huskey: Any additional questions in that section? Mr. Flynn just for purposes of clarification then all other city employees get specialty pays for observance and holidays, and election-day holidays?

Mike Flynn: No, they do not get specialty but they do get those holidays off.

Alex Huskey: Okay. Thank you.

Nick McPike: Moving forward. Bereavement leave. This is section 35. 1, the old section reads. *"In the event of the death of an officers immediate family the officer shall be entitled to up to 40 hours of bereavement leave to make funeral arrangements, participate in visitations and or attend funeral services. Officer shall receive their normal compensation during this such leave period."* Section 35.2 *"For purposes of this article immediate family is defined as a grandmother, grandfather, grandchildren, son, daughter, stepchildren, mother, father, stepparents, brother, sisters, spouse, father-in-law, mother-in-law, brother-in-law, sister-in-law,*

and spouses grandmother or grandfather.” Section 35.3 “additional bereavement leave may be granted at the discretion of the Chief of Police on a case by case basis. The new section for article 35.3 is “the employee may be granted up to one work day of leave in the event of other family members not in the immediate family. In the old Section 35.3 is now moved to 35.4 and this is “Additional bereavement leave may be granted at the discretion of Chief of Police.”

Alex Huskey: Thank you sir. Any questions on that section? Alright.

Nick McPike: Okay. This is the last change. This is talking about lateral officers. First off, a lateral officer is defined as an applicant who already ILEA Tier 1 certified, or qualified for ILEA waiver process established by the ILETB. (which is the training board) *“A Lateral Officer hired after January 1st, 2021 is entitled to all Vacation Time, Personal, Time and Rate of Pay benefits that an officer of the Marion Police Department would be entitled to, based on the time the officer has served as a full time Officer holding a Tier 1 certification, or qualified equivalent as established by the ILETB. A lateral officer shall serve at the pleasure of the Employer and may be removed anytime during the one (1) year probationary period without any rights to appeal. Upon hire, a Lateral officer shall become eligible for inclusion in the bargaining unit. It is the intention of the parties to this agreement that nothing in this section intended to alter the status of a Lateral Officer in their first year as an employee-at-will, nor will it entitle said Lateral Officer to legal representation in any disciplinary action brought by the employer up to and including termination. Lateral Officers are not eligible to receive a “uniform allowance” as described in Article 28 of this agreement. Lateral Officers will follow Article 10 of this agreement when determining seniority.*

Alex Huskey: Any questions so far from any of the board members? So, describe for us Article 10 as it relates to seniority, please sir.

Nick McPike: Article 10 as it relates to seniority is an officer who gets for chose what shift and what days off they would like based upon what year they were hired.

Brian Flynn: And will these Lateral Officers carry their seniority from their other?

Nick McPike: They will not carry their seniority as far as choosing their days off but they will carry over what kind of vacation time they will earn as if they spent their entire time here.

Alex Huskey: So if a Lateral Officer comes in with 15 years of service, I am just pulling that out of the air they would incur the same amount of vacation time that a regular Marion officer (inaudible)

Nick McPike: That is correct.

Alex Huskey: Chief, I have a question for you. How, is the budget prepared to accommodate such a change?

Chief Haley: Yes, because we run in a deficit hiring anyways. We have open positions, we are able to move money from that (inaudible). So it is not going to add any additional costs.

Alex Huskey: What if you were full staffed.

Chief Haley: I don't, I don't see that causing us an issue either.

Alex Huskey: Okay, thank you. Any additional questions. Thank you sir. I appreciate you sir giving us that update. I would entertain a motion to approve as outlined.

Nick McPike: Thank you.

Motion to approve the changes in the F.O.P. Contract as presented- Brian Flynn; seconded Cindy Cunningham.

Motion carried.

Transportation Department- INDOT Safety Plan Review

Alex Huskey: There were some technical corrections that were made to the safety plan. We did approve but I just wanted to make sure everyone was okay with the technical corrections that were made.

Chuck Martindale: Marion Transit. There are three items, page 8 did read "*It just had rural service area in the bullet point below Marion Transits goals for safety*" and we inserted on page 8 you will see where it is highlighted there. "*The city of Marion.*" The second item is page 10 the second paragraph it did read "*that there (inaudible)*" I deleted the item above the bullet point to include all that apply. I struck out that line above the bullet point, okay. I uh on page 13 the question about as far as the down to the second set of bullets, the second item "*report conditions anonymously via locked comment box in the driver's area*". The question came up how often it was checked. We inserted that it is checked weekly by the Marion Transit System Manager. I believe those are the three items that we noted in the last meeting and we made those corrections and we request the approval of the safety plan so we can upload that to the INDOT's data base requirements.

Alex Huskey: Any questions, concerns? Thank you for your due diligence on making sure that plan got updated and reviewed. So we appreciate that. It has already been approved so there is no additional action needed to be taken. I just wanted the board to have the opportunity to ask questions if they had any so thank you.

Chuck Martindale: Thank you.

Board of Works-Electronic Meetings

Alex Huskey: We know that throughout the time of the pandemic the governor had allowed for electronic meetings to take place for boards such as ours. And moving forward the AIM accelerated municipalities has established what they believe a set of practical tips and protocols for having electronic meetings in the future when those things are needed. One of the, I want the board to take note of this because one of the things it asks that was suggested we should do is develop a policy around having electronic meetings and so I wanted to find out first if there is any aversion to us developing the policy around having electronic meetings, and then have a discussion on the things that need to at least take place with those meetings. So, first of all is there any aversion to us having a policy or establishing a policy on having electronic meetings? Of the board members who would like to work on developing the policy for our board?

Linda Wilk: I am thinking Brian...

Brain Flynn: I will be glad to work on that.

Alex Huskey: So Brian I will work with you on establishing a policy for our board moving forward. Any comments questions or concerns about any of the things that you read.

Linda Wilk: So do you see this as suggestions or I saw this as this is how it should be done.

Alex Huskey: It is the, it is but we have to develop our own.

Linda Wilk: Yeah and I am fine with that I just, in looking at it I don't think it is very practical to have electronic meetings. I agree we should have a policy I just don't anyone to think that is an answer.

Alex Huskey: As long as there is fifty percent of the board present we can have an electronic meeting but there may but being a small board and we are absent a member now we have to work through that with the mayor but there may be an opportunity where we have to have a meeting but if it is something that is a long standing or something that really requires full action then we have to be together. We would not be able to do that in the electronic meeting. For just general purposes it may be good for us to have that policy on hand.

Brian Flynn: I see this as one person even with a full board. It is one person that can attend electronically. There may be situations for general purposes and we can take care of it during regular business.

Alex Huskey: Yes, so alright. Thank you Brian for volunteering to work on that policy. We will work through that.

Public Comment

No public comment.

Payment of Bills

Motion to approve the payment of the bills for June 3, 2021-Cindy Cunningham; seconded Brian Flynn.

Motion carried

ADJOURNMENT

Motion to adjourn Brian Flynn; seconded Linda Wilk

Meeting adjourned.

Alex Huskey-President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety