



VILLAGE OF WINNEBAGO

MEMORANDUM

Prepared By: Joseph Dienberg, Village Administrator
Meeting Name: Village Board of Trustees
Meeting Date: September 7, 2024
Item Name: An Ordinance Adopting Updates to the Personnel Policy of The Village of Winnebago, Illinois

Background:

Upon the hiring of a Village Administrator in February of 2024, the Village Board has instructed the administrator to review the personnel policy of the Village. A majority of the recommended changes shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator. The Village Administrator and Village President reviewed the recommended changes at various meetings. Other, more impactful changes are outlined below, and also identified in the attached redline copies of the policies.

After the Committee of the Whole reviewed all sections over various Committee of the Whole Meetings, a draft ordinance has been attached as well as redlined and clean versions of the documents. To highlight the ordinance, it adopts updates to the Village of Winnebago's personnel policy, granting the Village Administrator authority to make administrative changes, create ancillary office policies, and assign staff roles within the policy framework, while substantive changes to defined benefits require Village Board approval. The ordinance includes a trial period for converting the 30-minute lunch break from unpaid to paid, with monitoring and review to determine its effectiveness. Administrative changes take effect immediately upon passage, and the rollout of the updated vacation time policy will be coordinated by the Village Administrator, beginning January 1, 2025, and concluding by December 31, 2025.

Section 1 Governing Principles of Employment:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator, including the Equal Employment Opportunity, Americans with Disabilities Act (ADA), and Anti-Harassment policies.

Additionally, the Village's Diversity, Equity, and Inclusion (DEI) Policy was initially included in this section. However, the Committee of the Whole expressed interest in reviewing this policy, noting that many items in it are addressed elsewhere in the Personnel Policy. Consequently, the DEI Policy has been removed from the attached Personnel Policy. Since the DEI Policy was adopted as an independent ordinance in 2020, Village Legal Counsel recommends

that any changes to this policy should be addressed by amending the original ordinance. This matter will be added to an upcoming Committee of the Whole Meeting agenda for further discussion.

Section 2 - Employment Practices:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

In Section 2-8, clarification is provided on how hours of work are determined, and the 30-minute lunch break is changed from unpaid to paid. This adjustment aims to create a more attractive workplace for employee recruitment and retention. The primary reason for recommending this change is that employees often eat lunch at their workstations, and making this break paid recognizes their continuous contribution during the workday.

After further discussion at the Committee of the Whole meeting was to attempt this change on a trial basis, ending that on June 1, 2025. The Trial period would be conducted as follows:

1. **Implementation:** The change in Section 2-8 of the personnel policy, which converts the 30-minute lunch break from unpaid to paid, shall be implemented on a trial basis, ending on June 1, 2025.
2. **Monitoring and Review:** During this trial period, the Village Administrator and department heads shall monitor the impact of this change on employee productivity, abuses of the system, and overall effect of efficiency of village operations. Input on the effectiveness of this change is also welcome from the Corporate Authorities.
3. **Reversal of Change:** The trial period shall end on June 1, 2025. If during the trial period, it is observed that productivity has not declined and system abuses have not occurred, the Village Board may choose to affirm this change.

In Section 2-15, Outside employment, clarifications were made, to meet the original intent of the policy.

The policy was written to ensure that in the event that a Police officer was employed in a similar law enforcement capacity that a Village of Winnebago Police Officer, on a part-time basis during his/her off-duty hours to act solely for and on behalf of the Employer and not in any way on behalf of the Village of Winnebago in connection with his/her employment as a police officer by the Village.

To address this specific issue as well as any other village employees that were to seek outside employment in addition to their Village Duties, the following language was changed:

- Original: " No employee shall be employed by an employer other than the Village, nor shall he or she, contract for or accept anything of value in return for services, nor shall he or she otherwise be self-employed for remuneration..."
- Changed to: "No employee shall be employed by an employer other than the Village contract for or accept anything of value in return for services, nor be self-employed for remuneration that constitute a conflict of

interest, may be infringing upon an employee's ability to perform their assigned duties for the Village, or is being performed during hours that employee is working for, and being paid by, the village."

Police Officers Seeking Outside Employment in a Similar Law Enforcement or Security Capacity:

- Added: "If a Police Officer is to seek outside employment in a similar law enforcement or security capacity, they must receive prior written approval of the Department Head; if the employee is the Department Head, written approval must be authorized by the Committee Chairperson or Village Administrator (See Appendix F) (Law Enforcement Personnel see Lexipol Policy 1039)."
- Added: "The officer must complete and seek authorization from the outside employer to complete the 'Indemnity and Hold Harmless Agreement from Outside Employer for Village Of Winnebago Police Officer.' (Law Enforcement Personnel see Lexipol Policy 1039)"

In Section 2-17, clarification is added on the details of the Employee Performance Evaluations. Additionally, subsection 2-17-D is removed due to redundancy, as compensation policies and procedures are set in section 8 of the policy.

Section 3 - Employee Separation:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Section 4 - Personal Conduct Expectations and Disciplinary Action:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Section 5 - Administrative Policies:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Additionally, an entirely new section was added outlining guidelines, communication expectations, security, and confidentiality for remote work. Since the COVID-19 Pandemic, remote work has been in practice in the Village, this formalizes and creates standards and procedures for that practice.

Section 6 – Electronic Communications and Document Retention:

The Primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Section 7 – Social Media and Social Networking Policy:

Previously, the ultimate focus of Section was to provide clear guidelines for employee conduct on social media, balancing their right to free expression with the Village's interest in maintaining accurate information and safeguarding confidentiality. The policy emphasizes responsible and respectful use of social media, both on and off the job, while

prohibiting actions by village employees that could harm the Village, other employees, or residents. It reinforces the importance of honesty, accuracy, and compliance with legal standards, and stresses that employees are accountable for their online behavior, which can result in disciplinary action if policy violations occur.

The primary additions to this section are designed to further refine and clarify the Village of Winnebago's Social Media Policy by emphasizing a structured and professional approach to managing the Village's official social media presence.

The additions introduce a more formalized structure for managing the Village's official social media accounts, placing the Village Administrator at the center of authorization and oversight. These changes aim to ensure that all content shared on official platforms is factual, professional, and directly related to Village business. The focus shifts slightly from general employee behavior to the specific management and operation of the Village's social media presence, including the creation of accounts, content management, and public interaction. The additions also emphasize legal compliance, particularly concerning public records and privacy regulations, reinforcing the Village's commitment to transparency and professionalism in its communication with the community.

Section 8-5 – Compensation:

On May 13th, 2024, the Village Board approved changes to section 8 of the Personnel Policy, however, at the July 24, 2024 Committee of the Whole, the Committee expressed interest in amending the Village's Overtime Policy, in Section 8-5 of the Personnel Policy. The Committee of the Whole expressed a consensus at their August 28th meeting that overtime is calculated over a 40-hour work week, including approved time off. Police officers also receive overtime for hours worked over 84 in a 14-day cycle, including approved time off.

Section 9 – Benefits:

The Committee of the Whole expressed a consensus at their August 28th meeting that they memorialize the share of insurance premiums paid by the employee and the share paid by the village as below:

- **Health Coverage Premiums:** 90%
- **Dental Coverage Premiums:** 80%
- **Vision Coverage Premiums:** 0%

Prior to this period, the Village was paying 80% of health coverage premiums.

The other changes in this section make the negotiation of group insurance benefits for the Village the responsibility of the Village Administrator on an annual basis, making it his/her responsibility to secure plans that provide comprehensive coverage for employees while ensuring that the plans are fiscally responsible and sustainable for the Village, ultimately making a recommendation to the Village Board for final approval.

The other primary changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.

Section 10 – Health and Safety:

There are no changes to this section.

Section 11 – Leaves of Absence:

Many of the changes included in this section are informed by a poll that was conducted by staff with neighboring municipalities.

The recommended changes in this section change the amount of employee vacation time given to an employee. Currently, a new employee would receive one week of vacation time for the first two years of employment, at the beginning of the employee's third year, they would accrue 2 weeks of vacation time, and would add a week every five years.

The recommended change would move from an accrual system to employees receiving their time up front. Additionally, after reviewing data from other municipalities, and discussions at the July 24, 2024 Committee of the Whole Meeting staff is suggesting starting a new employee with two weeks and following the following schedule:

Vacation Scale for Regular Full-Time Employees (80 hours in 14 days)

- **0-1 Year of Service:** 10 days (2 weeks)
- **2-5 Years of Service:** 15 days (3 weeks)
- **6-10 Years of Service:** 20 days (4 weeks)
- **11-15 Years of Service:** 22 days
- **16-20 Years of Service:** 24 days
- **20+ Years of Service:** 25 days (5 weeks)

Vacation Scale for Police Officers (84 hours in 14 days)

- **0-1 Year of Service:** 84 hours (2 weeks)
- **2-5 Years of Service:** 126 hours (3 weeks)
- **6-10 Years of Service:** 168 hours (4 weeks)
- **11-15 Years of Service:** 184.8 hours
- **16-20 Years of Service:** 201.6 hours
- **20+ Years of Service:** 210 hours (5 weeks)

All Employees will have a maximum of 6 weeks of vacation that they are able to maintain in their bank, which is consistent with current village policy.

In Section 11-2, the elimination of a restriction using in the first 90-day is eliminated. This recommendation is based on the fact that sick time will remain on an accrual basis, staff is recommending that if an employee is sick within their first 90 days, that they are able to use the time that they have accrued.

The next major change suggested would be the introduction of compensatory time (comp time), in section 11-5. This conversation started in Police Committee, where committee members and staff were brainstorming recruiting officers, as the Village often loses officers to other agencies. The Federal Fair Labor Standards Act allows public employers to compensate non-exempt employees with comp time instead of cash overtime, provided the employees agree beforehand, with accrual limits of 80 hours for the Village Staff and 84 hours for the Police Department. Employees must use their accrued comp time within a reasonable period without disrupting departmental operations and will be paid for any unused comp time upon termination at the higher of the average rate over the last three years or the final regular rate. Restrictions include not accumulating comp time in the same pay period as its use, and it cannot be used in conjunction with holidays, vacation, or personal days.

Section 11-4 Addresses Village Holidays. A suggested change is setting the number of holidays (10) but allowing the Village Administrator the flexibility to set that calendar on an annual basis. This suggestion will allow the village the flexibility to recognize different holidays if there is shift in a holiday's cultural significance or sentiment amongst the staff expressed over the schedule.

In Section 11-6, Bereavement time is granted to all employees, not just regular full-time employees.

The Other changes to this section shift the responsibility of management roles of the Village from the Deputy Clerk and Village President to that of the Village Administrator.