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**OPERATIONS COMMITTEE MEETING AGENDA**



MEETING DATE: Monday, August 5, 2019

MEETING TIME: 6:00 p.m.

MEETING LOCATION: North Aurora Village Hall, 25 E. State St., North Aurora

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**CALL TO ORDER**

**ROLL CALL**

**AUDIENCE COMMENTS**

**APPROVAL OF MINUTES**

1. Approval of the Operations Committee Minutes dated May 6, 2019

**NEW BUSINESS**

1. Human Resource Manual Updates

**OLD BUSINESS**

**OTHER INFORMATION**

**TRUSTEE COMMENTS**

**ADJOURN**

Initials

**VILLAGE OF NORTH AURORA  
OPERATIONS COMMITTEE MEETING MINUTES  
MAY 6, 2019**

**CALL TO ORDER**

Trustee Guethle called the meeting to order.

**ROLL CALL**

**In attendance:** Trustee Mark Guethle, Trustee Laura Curtis, Mayor Dale Berman, Trustee Mark Carroll, Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth, Deputy Chief Joe DeLeo.

**AUDIENCE COMMENTS** - None

**APPROVAL OF MINUTES**

**1. Approval of the Operations Committee Minutes dated April 1, 2019**

Motion for approval made by Trustee Carroll and seconded by Trustee Curtis. All in favor.

**Motion approved.**

**NEW BUSINESS**

**1. Animal Control Provisions**

Community & Economic Development Director Mike Toth stated that Chapter 6 of the municipal code regulates conduct of animals within the village. There was a recent article in the Beacon regarding the number of dogs or cats that can be kept on a property. Code Enforcement has been dealing with a situation in the Village in which a resident has emotional support ducks on their property. The current code refers to dogs and cats and allows no more than three of one species and the number cannot exceed 4 animals.

There are two violations in this current case. The first violation is that the Village does not allow ducks since they are farm animals. The second violation is that the resident has 6 ducks which exceeds the limit of allowable animals. The resident received a violation notice and petitioned the Village. They are requesting the Board review this. The Village Board has the right to allow exemptions.

The amendment to the animal control ordinance allows for people to petition the board in order to have certain animals in their homes.

The Village attorney stated that under the Fair Housing Act, there are provisions for people to have the ability to have an emotional support animal but it is still under the jurisdiction of the local authority.

Trustee Carroll suggested an annual license fee per animal be required for these emotional support animals. Village Administrator Steve Bosco stated that staff would have to check with the village attorney due to the fact that North Aurora is a non-home rule community.

Trustee Curtis suggested limiting each household to one support animal.

Carroll said he does not want the Village to get into the business of saying what kind of animal a person can have as a support animal, especially when the person has a doctor's note. Carroll said he would like an Ordinance that gives the chief of police or someone who can review the doctor note. Carroll was also in favor of charging an annual fee per support animal. Mike Toth cautioned the requirement of fees since the Village would be getting in between the doctor and the patient and it also makes it difficult to obtain the reason why they are prescribing the animal to the client.

Trustee Guethle said that anyone needing a service animal would need to have it prescribed by a licensed physician and the Village Board would vote on it.

It was suggested that if an animal is not permitted by code and exceeds the number of allowable animals, this would trigger Board approval. Bosco said that Staff would review this with Attorney Drendel.

Carroll said he would like to see a limit on emotional support animals, such as no more than 4 emotional support animals for one person or 4 animals but no more than 3 of any one species.

Toth asked the committee if they would be able to grant an exception to the property owner with the 6 ducks with understanding that they could not have more than 4 in the future. The committee was in agreement.

Carroll suggested emotional support animals be registered with the Village. Toth said that staff could keep this information on file.

Toth said that in reference to animals disturbing the peace (4<sup>th</sup> bullet point on the first page), if an animal is barking more than 10 minutes during the day time or more than 5 minutes at night, it would be considered disturbing the peace.

**OLD BUSINESS** - None

**OTHER INFORMATION** - None

**TRUSTEE COMMENTS** - None

### **ADJOURNMENT**

Motion to adjourn made by Trustee Carroll and seconded by Trustee Curtis. All in favor.

**Motion approved.**

Respectfully Submitted,

Lori J. Murray  
Village Clerk

**Village of North Aurora  
Memorandum**



**To:** Government Operations Committee

**From:** Bill Hannah, Finance Director

**CC:** Steven Bosco, Village Administrator

**Date:** July 25, 2019

**RE:** Revisions to Human Resources Manual

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Attached are proposed revisions to the Village's Human Resources Manual. As a reminder, benefits and terms of employment for non-union employees (and union employees where appropriate) are covered in this manual.

1. **Addition of section regarding "Reporting of Fraud, Theft and Unlawful or Unethical Activities."** The State has recently implemented new grant accountability and transparency requirements (GATA) which requires the Village to annually disclose its policies in place regarding internal controls and other financial reporting, purchasing or other guidelines in place for grant funds. One area the Village would like to improve in its reporting of these policies for GATA is a policy not currently in place that includes guidelines for employees to report fraud, waste, abuse or other illegal or unethical activities and protects the same from reporting those activities (consistent with current whistleblower protection policies in place). Having this policy in place will not just improve the Village's GATA compliance but also provide employees with avenues to report inappropriate activities.
2. **Increase in the amount of vacation time a non-union employee can elect to "buy-back" or "cash out" annually.** Several years ago the Village established a policy providing the option for non-union employees to elect to buy back up to 40 hours of vacation time annually in December. This has proven to be an effective way of providing another benefit for non-union employees who do not have opportunities for additional payouts (such as overtime or on-call pay) and has also provided an option for employees who based on workloads or other reasons were not able to utilize their vacation time and reached their ongoing limit of how much time they can have at any given point in time. The policy change would increase the amount of the buy back from 40 hours to 60 hours.
3. **Increase in the maximum number of sick leave hours.** Currently non-union employees accrue sick leave benefits at the rate of 8 hours per month up to a maximum of 480 hours, or 60 days. This benefit was recently increased during the

police union negotiations for both police officers and sergeants to be a maximum accrual of 720 hours (this would be the equivalent of 90 days for employees with 8-hour work days, even though police officers and sergeants in these units generally work 12-hour days). Prior research by Village staff has indicated that a maximum accrual of 720 hours (90-day maximum for 8-hour a day employees) is more typical and the norm than a maximum of 480 hours and the proposed change would increase the maximum accrual for non-union employees to 720 hours a year. Public Works employees represented by Local 150 who currently have a 480 hour maximum would not be affected by this change as their contract expires May 31, 2021.

## **2.7 Whistleblower Act**

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

### **NEW**

## **2.8 Reporting of Fraud, Theft and Unlawful or Unethical Activities**

Employees are encouraged to report suspected unlawful or unethical activities that they observe which are in violation of Village policies, rules or regulations, or are potential illegal activities including, but not limited to:

1. Fraud or theft of Village funds or property
2. Gross waste of funds or other Village assets
3. Deliberate mismanagement of contracts, grants and other agreements
4. Deliberate misstating or falsifying of Village financial and other records
5. Destruction of Village records without proper approval
6. Procurement and purchasing irregularities

An employee who seeks to report any suspected unlawful or unethical activity as described in this section is encouraged to report the activity to their immediate supervisor unless the activity involves their supervisor, then employees are encouraged to report the activity to either the Department Head or the Village Administrator, unless the allegation involves the Village Administrator, which then the employee is encouraged to report the activity to the Village President. Any allegation reported under this section shall be investigated by the Village Administrator, or the Village President, as appropriate.

Although employees are encouraged to report suspected violations in the manner as described above, employees may also choose to contact any of the following directly:

1. Village Administrator
2. Finance Director
3. Director of Public Works
4. Director of Community Development
5. Chief of Police
6. Current Village Auditor

To the extent possible and consistent with an effective investigation, every effort shall be made to keep the matter confidential until the investigation is completed, however, due to the nature of investigations, complete confidentiality cannot be guaranteed through the end of an investigation. Moreover, to the extent possible, the confidentiality of the reporting employee will be maintained. However, the individual's identity may have to be disclosed for the purposes of thoroughly

conducting an investigation, to comply with legal reporting requirements or law enforcement efforts and to provide accused individuals their legal rights of defense.

In the event any claims or allegations brought by an employee under this section are subsequently found to be unfounded, the Village will not retaliate, reprimand, discharge, demote, discriminate against, or otherwise retaliate against the employee making such reports as long as the employee has acted in good faith and had reasonable cause to believe that an unlawful or unethical activity existed or was occurring. Any allegations which prove to be unsubstantiated and are proven to have been made maliciously and knowingly false will be viewed as a serious disciplinary offense.

01/01 – 03/31	18 Hours
04/01 – 06/30	12 Hours
07/01 – 09/30	6 Hours
10/01 – 12/31	0 Hours

**5.4 Vacation Leave**

Vacation leave is provided on the basis that employees benefit by periodic intervals of rest and recreation and time away from their job with the Village and that an appropriate work-life balance contributes to the employee’s overall well-being and ability to effectively carry out their job responsibilities. Accrual of such benefits derives from continued and ongoing service to the Village.

Employees accrue vacation leave based on their full-time anniversary date with the Village and the number of years of service based on the schedule below. Vacation leave will be earned to the employee on a per pay period basis on the 1<sup>st</sup> and 2<sup>nd</sup> pay dates of each month (or twenty-four (24) times per year, also the “Accrual Rate.”)

<u>Years of Service</u>	<u>Annual Vacation Amount</u>	<u>Accrual Rate</u>
Start Through Completion of 3 Years	2 Weeks (80 Hours)	3.333
Beginning Year 4 Through Completion of Year 5	2 ½ Weeks (100 Hours)	4.166
Beginning Year 6 Through Completion of Year 10	3 Weeks (120 Hours)	5.000
Beginning Year 11 Through Completion of Year 20	4 Weeks (160 Hours)	6.666
Beginning Year 21 and After	5 Weeks (200 Hours)	8.333

The vacation accrual rate for Department Head positions will never be less than three (3) weeks per year but otherwise consistent with the above table.

**Maximum Accrual and Exceptions**

Vacation leave will be earned per the schedule above and leave will be deducted from the employee’s total time when used. The maximum amount of vacation leave that an employee will be allowed to accumulate in their vacation bank will be equal to one (1) year’s Annual Vacation Amount as set forth in the schedule above plus one (1) week (“Maximum Accrual”). Once an employee reaches the Maximum Accrual vacation leave will cease to accrue until an employee is no longer at the Maximum Accrual. Employees are responsible for monitoring the amount of vacation leave they have accumulated and providing sufficient notice and request to use such leave so that the Maximum Accrual is not exceeded.

The Village Administrator may approve a temporary accumulation of vacation leave greater than the Maximum Accrual, at his sole discretion based on the operational needs of the department



and Village. Such additional accrual may not exceed one (1) additional week of vacation leave greater than the Maximum Accrual. Employees granted a temporary accumulation of vacation leave greater than the Maximum Accrual must use enough vacation leave within a twelve (12) month period after Village Administrator approval of the temporary accumulation in order to be at or below the Maximum Accrual at the end of the twelve (12) month period.

#### Vacation Leave Requests

The Village will make reasonable attempts to accommodate vacation leave requests, subject to the operational needs of each Department. Generally no more than two (2) weeks of vacation may be taken consecutively. Requests longer than two weeks require Department Head and Village Administrator approval.

Vacation leave will be paid at the employee's normal straight time hourly rate. Employees should typically attempt to request the use of vacation leave at least one (1) week in advance.

The Department Head and Village Administrator may authorize an advance of vacation leave of up to two (2) days in order to accommodate an employee's vacation leave that may result in an employee's vacation leave accrual being negative after the vacation usage. Employees must be in good standing with the Village to be eligible for consideration.

Accrued but unused vacation leave shall be paid out to the employee upon termination of employment.

#### Additional Vacation Leave Benefits

The Village Administrator is authorized to grant additional vacation benefits to prospective employees as a condition of employment, recognizing the need of the Village to attract highly qualified candidates as part of an overall wage/benefit proposal. Such benefits shall be made in writing at the time of initial employment, become part of the employee's file and communicated as such to the Village Board.

#### Payment in Lieu of Vacation Time

Eligible employees not represented by a collective bargaining agreement may elect to "cash out" a limited number of hours of vacation time on an annual basis. Annually in November the Finance Department will inform employees of the option and provide forms and deadlines for employees to consider the option for the year. Generally, the process will be conducted so that the payout of accrued time is processed by the first paycheck in December.

In order to be eligible an employee must have at least one (1) year of continuous full-time employment as of November 30<sup>th</sup>, not be in any introductory status and be in good standing with the Village. Employees may elect to cash out up to ~~forty (40)~~ sixty (60) hours of vacation time annually. Payment will be made at the employee's current hourly rate as of the last day of the prior two-week payroll period being paid on the 1<sup>st</sup> payday of December. ~~Employees electing to cash out vacation time must ensure that they have at a minimum forty (40) hours of vacation~~

~~time remaining after such election as of November 30<sup>th</sup>.~~

### **5.5 Sick Leave**

#### Accrual

Eligible employees shall accrue sick leave at the rate of eight (8) hours per month. The maximum amount of sick leave that can be accrued is ~~four hundred eighty (480) seven hundred twenty (720)~~ hours or ~~sixty (60) ninety (90)~~ days for an eight-hour day.

~~(Note: Employees hired before June 22, 1998 will be allowed to retain any accumulated sick leave in excess of the maximums established in this policy. However, once those days are used, and the employee's sick leave balance falls below the current maximums authorized the employee will adhere to the new maximum accumulations)~~

The Illinois Municipal Retirement Fund (IMRF) currently offers additional service credit for accumulated sick days at the time an employee applies for their IMRF pension. The Village will allow employees to accrue additional sick time over and above 480 hours to be applied solely for additional service credit. The maximum additional amount that will be allowed will be based on IMRF's limits in place at the time. This additional sick leave will be tracked separately from the normal sick leave bank. When an employee uses sick leave, the sick leave will be deducted from the normal ~~sixty (60) ninety (90)~~ day sick leave bank. Sick leave credited to the IMRF service credit bank shall only occur when the normal sick leave bank has reached the maximum. All sick leave accrued by IMRF eligible employees shall be eligible for additional service credit as permitted by IMRF and state statutes from time-to-time.

No sick leave shall be credited to an employee who is on an unpaid leave of absence of thirty (30) days or longer.

#### Sick Leave Requests

Sick leave shall not be considered a benefit to be used at the employee's discretion for personal or other business. Sick leave shall be allowed only in the following situations:

1. Actual sickness, injury, disability or hospitalization of the employee
2. Medical or dental appointments which cannot be reasonably scheduled outside of working hours
3. Absence required by illness or disability of the employee's immediate family, defined for the purposes of this section to be parent, spouse or child and all "half" and "step" relationships

Pursuant to the Illinois Employee Sick Leave Act ("ESLA"), employees may use up to one half their annual sick leave benefits provided under this Section for absences due to an illness, injury or medical appointment of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent, for reasonable periods of time as may be necessary, on the same terms as the employee is able to use sick leave

for the employee's own illness or injury. ESLA, however, does not extend any leave under FMLA. An employee may not be retaliated against for exercising rights under ESLA.

Employees shall notify their supervisors within two (2) hours of their beginning start time of the need to take sick leave. A Department Head may require an employee to provide proof of illness, disability or otherwise of an employee or immediate family members condition or illness if the sick leave extends beyond three (3) days.

Sick leave may be taken in increments of one (1) hour unless mutually agreed to be the employee and Department Head.

#### Sick Leave Incentive Day

As an incentive to not use sick leave, any employee who does not use any sick leave during a calendar year will be given eight (8) hours of additional straight-time pay on the following payroll.

#### Other Sick Leave Policies

A Department Head may send an employee home on sick leave if in the opinion of the Department Head if the employee appears ill and otherwise may impact the health of other employees by continuing to be present in the work environment.

A Department Head may require a physician's statement as a condition for granting of sick leave for any duration if the Department Head suspects that an employee is misusing sick leave, or if an employee calls in sick the day before or after a scheduled vacation or holiday. If upon investigation any employee is found to have abused the intent of sick leave benefits they will be subject to disciplinary action up to and including termination.

If an employee becomes sick or ill while on vacation or holiday leave sick, leave will not be substituted for the vacation, holiday leave or other leave benefit being used for that day.

Other than as provided for in this section, accumulated sick leave upon separation, termination or retirement will not be paid or cashed out to employees.

### **5.6 Bereavement Leave**

Employees are eligible for bereavement leave in the event of a death in the employee's family as defined below:

1. For an employee's spouse up to five (5) days will be granted.
2. Provided the Village has 50 or more employees, under the Child Bereavement Leave Act ("CBLA"), for an employee's child, defined as a son, daughter (biological or adopted), foster child, stepchild, a legal ward, or a child of where employee is standing in loco parentis, up to ten (10) days of leave will be granted. In the event, an employee loses more