

RECORD OF PROCEEDINGS

Minutes of Meeting Plain Township Board of Trustee Meeting

Held Virtual/Teleconference 7:00 p.m.

The Plain Township Board of Trustees met in a special session in a virtual/teleconference meeting.

Roll Call: Members Present: Dave Ferguson, Dave Olmstead and Tom Rybski. Bud Zappitelli, Fiscal Officer was present. Other people present were Ben Collins, Chief Hoovler, Assistant Chief Rupp, Battalion Chief Sponaugle, Lieutenant Jason Moore, Captain Pabst, Firefighter Max Newton, Captain Jim Carney, Bobby Pharris, Cindy Powell and Courtney Rogers.

ADDITIONS OR CORRECTIONS TO THE AGENDA

None.

PAYMENT OF THE BILLS

Mr. Rybski made a motion to pay the pending warrants in the amount of \$328,783.28.

Mr. Olmstead seconded the motion. Vote: All Aye (Resolution 20071401)

REVIEW PERSONNEL AND COMPENSATION

A. OVERTIME

Mr. Ferguson asked Mr. Collins to review the overtime calculations. Mr. Collins explained what type of work and hours are included in the overtime calculations. He also compared it to other jurisdictions. FLSA says that certain employees are required to be paid overtime for hours worked over 40. The personnel policy dictates what hours are included in the "hours worked." The most common are hours worked, holiday hours and vacation leave. Plain Township also includes sick leave hours for the Fire Department and there are a couple of variations that they've identified.

Mr. Collins reported that there are some internal inconsistencies. "Active Pay Status" includes hours worked, holiday, vacation and sick leave. Mr. Ferguson inquired about hours worked on Sunday and whether they are entitled to time and a half. There is no overtime due if it is a regular shift for the Firefighters. If it is not a regular shift for a Firefighter, the first 10 hours are paid at the regular hourly rate and the remaining hours are paid at time and a half. Special Duty hours that are community events are not reimbursed. Special Duty hours for private events are paid back to the township at \$50/hr. Battalion Chief Sponaugle asked if the overtime spreadsheet that Mr. Collins prepared was for all employees. Chief Sponaugle reported that he obtained information that was different than what Mr. Collins reported. Mr. Collins pulled the information from the Jurisdiction Employee Manuals but stated that collective bargaining agreements may affect the policies. Mr.

Olmstead wanted to know if Plain Township is generally aligned with the other departments and jurisdictions.

Chief Sponaugle stated that Plain Township does fall with the majority in how overtime is calculated. Mr. Collins said that this does not change the discussion that the Township has had over the last year over whether overtime should be paid on hours worked as opposed to the current inclusion of vacation and sick leaves.

Mr. Ferguson inquired as to why holiday and vacation hours are included in overtime calculations. Mrs. Powell interjected that overtime for the Township employees (Administration, Fiscal, and Maintenance) is calculated differently than the Fire Department. Vacation and Sick time is not included in overtime calculations. Chief Sponaugle pointed out that there are three areas in the Employee Handbook that mentions how overtime is calculated. Two of the areas reference "Active Paid Status" and one references "Hours worked." This needs to be rectified.

Mr. Ferguson inquired about which employees can cover for other employees who are out on vacation or sick leave. Chief Sponaugle explained that the department tries to fill the open shift with an employee of the same rank as the person taking time off. Lieutenants can work for Captains and vice versa. Captains can work for Battalion Chiefs but Battalion Chiefs cannot do the reverse. As long as minimum staffing is met, lower ranks bump up and there is no overtime. Assistant Chief Rupp also stated that the Assistant Chief will cover the first 12 hours of the Battalion Chief shift. The only rank that gets out-of-class pay are the firefighters that fill in for a Lieutenant position.

Chief Sponaugle reported that for special events, the overtime work is always offered to the firefighters first and then moves in reverse seniority. Mr. Zappitelli pointed out that in addition to the actual overtime paid out, there is also 36% paid into the pension. The position of Assistant Chief gets paid comp time at straight time rate.

ACTION ITEM: Align our Personnel Manual to have clear and consistent guidelines for different classifications of employees. Paid hours vs hours worked.

ACTION ITEM: Benchmark that the Township is calculating overtime consistent with other Jurisdictions. Mr. Ferguson would like Mr. Collins and Chief Sponaugle to work on this together.

ACTION ITEM: Discuss the Township employees having to reduce vacation or sick hours taken to get to a 40 hour week (i.e. 35 hours worked in 4 days and 1 vacation day. The vacation hours used would be reduced from 8 to 5 hours.)

ACTION ITEM: Fiscal Office - Get comparison of private event reimbursements vs overtime paid out to firefighters.

ACTION ITEM: Mr. Ferguson asked Chief Sponaugle to share his benchmarking spreadsheet with the Board.

B. COMPENSATORY TIME

Mr. Rybski inquired about what percentage of employees take comp time vs overtime pay. Comp time over 240 hours is paid out at the beginning of December. Each employee has the choice of taking the overtime hours as either pay or comp time. When comp time is used, it is pensionable. If it is part of the annual pay-out over 240 hours, it is not pensionable. Comp time can be banked. It does not have to be used, it is a personal decision. Allowing comp time can create staffing issues when used as time-off. Captain Carney stated that FLSA states that public safety is supposed to be able to bank 480 hours. Anything negotiated below that is part of the collective bargaining agreement. Chief Sponaugle generally agreed with the spreadsheet that Mr. Collins had regarding comp time with a few exceptions.

ACTION ITEM: Mr. Olmstead requested that Captain Carney send the information that he was referencing to the Board.

C. SICK LEAVE

Mr. Collins' spreadsheet showed that the Township firefighters can earn 156 hours of sick time per year and at separation will be paid up to 240 hours. If at separation the employee has used more than half of the hours earned over 2 years, no payout is given. An employee can accrue unlimited sick time. The Township makes an annual payout of sick time over 500 hours (or a higher cap determined by the individual employee) in June. Once a cap is raised (i.e. 500 hours to 600 hours), it can never be lowered. There is no consistency across jurisdictions on how sick time is earned or paid out. Captain Carney said the Plain Township accrual rate is much lower than other departments. Mrs. Powell pointed out that this is another accrual that the Fiscal Office has to track bi-weekly. Chief Brown is Chief Sponaugle's payroll backup.

Mr. Rybski inquired as to why the Fire Department earns 6 hours per pay cycle and the Administrative staff earns 4.6 hours per pay cycle. Chief Sponaugle stated that the difference is because the firefighter work 96 hours per pay cycle vs. those working 80 hours per pay cycle. Mr. Collins stated that there is an incremental variance in favor of firefighters. Mr. Ferguson inquired as to whether a firefighter can trade shifts in lieu of taking sick time. It is allowed but trades are not allowed to create overtime. Chief Hoover stated that this does not happen often.

D. VACATION TIME

Chief Sponaugle reported how difficult it is to track the vacation time accrued on a per paycheck basis. Administratively, it would be easier to give the vacation allotment on an annual basis at the start of the year. The maximum hours allowed to carry-over is 3 years of accruals. Mrs. Powell stated that it would be easier to track the 3 year max on an annual basis, at the beginning or end of the year vs using individual anniversary dates.

ACTION ITEM: Change how vacation is paid? Pay vacation up front annually vs. anniversary dates

ACTION ITEM: Evaluate how the 3 year maximum is tracked. Annually vs. individual anniversary dates

E. HOLIDAY LEAVE PAYOUT

Plain Township Fire Department gets 144 paid holiday hours, which is higher than the average. Chief Hoovler said that many years back, the holiday hours were changed from 80 hours to 144 hours in lieu of a raise. Chief Sponaugle stated that many departments allow their employees to convert the holiday pay to holiday leave time-off.

ACTION ITEM: Evaluate the idea of letting the Fire Department convert their holiday pay to time-off leave. How would this be tracked?

F. KELLY DAYS

A Kelly Day is the one day a week (same day of the week, every week) that firefighters will not be scheduled to work. This is to help reduce overtime costs. Chief Sponaugle reported that Plain Township is only 1 of 4 departments (out of the 29 that he researched) that use Kelly Days. If a firefighter's regular shift falls on his/her Kelly Day, they do not work. Chief Sponaugle believes the Plain Township's use of Kelly Days is a huge recruiting tool. Mr. Collins inquired as to whether Kelly Days result in overtime and Chief Sponaugle reported that it does not.

G. INJURY LEAVE

Mr. Collins reported that Injury Leave is commonplace in most jurisdictions. Typically, it is specifically reserved for on-duty injury or accident. It commonly states that injury leave can be permitted up to a maximum number of months or weeks.

Plain Township does not have a paid maternity/paternity leave policy. Currently, it would be covered under FMLA and vacation and sick leave would be used to cover the time off. Chief Sponaugle did not research other department's maternity/paternity leave policies. Mr. Collins stated that he believes Franklin County just adopted a paid maternity leave policy last year.

Chief Sponaugle suggested having an annual meeting to discuss overall total compensation for the following year. Mr. Rybski is in favor of having a dialogue on a regular basis.

Chief Sponaugle inquired about the Township's practice to run FMLA concurrent with time-off banks. Mr. Collins explained that FMLA was developed to provide job protection mostly in the private sector for employees who might only have 2 weeks of sick time and 2 weeks of vacation time for the year. FMLA guarantees 12 weeks of job protection. So Mr. Collins said that allowing a Township employee to use 1000 hours of sick time and then get another 12 weeks of job protection is not how he has seen it instituted. The current Plain Township policy requires employees to use paid time off first. Mr. Ferguson asked for Mr. Collins and Chief Sponaugle to follow up with each other on this issue and report back to the Board of Trustees.

BOARD MEETING FORMAT-VIRTUAL MEETINGS

Mr. Collins reported that with the increase in positive COVID-19 cases in Ohio and Franklin County, he is in favor of continuing the virtual meetings. With the upcoming retirement of Chief Hoovler and the swearing in of Chief Rupp, he would like to live-stream the swearing in of Chief

Rupp. Mr. Olmstead suggested that the Board meetings in August be held virtually. Mr. Ferguson and Mr. Rybski concurred.

FISCAL OFFICE

The May 2020 Bank Reconciliation and End of Month Reports were presented.

Mr. Ferguson asked Mrs. Powell if she had any information on the 2nd half taxes. Mrs. Powell does not expect to see 2nd half taxes until August 2020 because of the due date for taxes being extended. Mr. Olmstead asked if Mrs. Powell knew what percentage of taxes are coming in on time. Mr. Collins reported that the treasurer's office may have delayed the billing. Mr. Ferguson thought it was interesting that 80% of the Township's personal property tax is from the residential side.

OLD BUSINESS

Chief Hoovler reported that the firefighter on injury leave is improving but that the individuals administering to him would like to have a couple more weeks of paid injury leave.

Mr. Olmstead moved to approve an additional three weeks of injury leave for the employee currently on injury leave through August 6, 2020. Mr. Rybski seconded the motion.

Vote: All Aye.

ADJOURNMENT

Mr. Ferguson made a motion to adjourn the meeting at 9:09 p.m. Mr. Olmstead seconded the motion. Vote: All Aye

BOARD OF TRUSTEES:

DocuSigned by:
Bud Zappitelli
CBE861A58A149F
Bud Zappitelli, Fiscal Officer

DocuSigned by:
Dave Ferguson
89280D55B2964E7
David Ferguson, Trustee

DocuSigned by:
Dave Olmstead
AE96D981EAD44E
Dave Olmstead, Trustee

DocuSigned by:
Tom Rybski
789B534ABE46455
Thomas Rybski, Trustee