

## **BRYAN BOARD OF PUBLIC AFFAIRS**

### **JOINT SPECIAL MEETING**

**MAY 30, 2019**

Bryan Board of Public Affairs Chairman Jim Salsbury and Bryan City Council President Lynn Wieland presided over the Joint Special Meeting held on May 30, 2019, with the following Board members present: Tom Sprow, Richard Long, and Derek Allen. Karen Ford was absent. Also present were: Bryan City Councilmen Mary Leatherman, F. John Betts, Richard Hupe, and Judith Yahraus as well as Mayor Carrie Schlade, City Attorney Rhonda Fisher, Director of Utilities Kevin Maynard, Human Resource Director Jacqueline Perry, Communications Superintendent Joe Ferrell, Power Plant Superintendent Matt Killion, Assistant Power Plant Superintendent Jim Coressel, Engineering Supervisor Nathan Gardner, Operations Manager Dawn Fitzcharles, and City Clerk-Treasurer Laura Rode.

Board of Public Affairs Chairman Salsbury and City Council President Wieland called the Joint Special Meeting to order at 12:00 p.m. in Bryan City Council Chambers.

Board member Ford entered the meeting at 12:01 p.m.

Mayor Schlade began the meeting by stating that Council will be reviewing an amendment to the City of Bryan Employee Handbook passed on December 27, 2018, to add a stipulation for 10 years of service regarding the sick leave retirement payout as required by the Ohio Revised Code. She added that although the Board of Public Affairs has distributed their own version of the City of Bryan Employee Handbook, multiple legal and government sources concur that Council is the only authoritative branch in the City that can legislate the Handbook. She further requested that while there may be disagreements on the subject matter, all in attendance should remain respectful of one another.

Board Chairman Salsbury then provided a spreadsheet to those at the meeting who didn't have a copy summarizing potential savings difference the proposed handbook ordinance would amount to for Bryan Municipal Utilities employees. In reviewing the spreadsheet, he requested Council to reconsider a grandfather clause to insert a date in the handbook to cover existing employees noting that in nine (9) years the problem would go away.

Bryan City Council brought Ordinance 24, 2019, up for discussion. The ordinance read:

**AN ORDINANCE AMENDING AND APPROVING THE CITY OF  
BRYAN EMPLOYEE 2019 HANDBOOK, SPECIFICALLY AT SECTION  
301 PERTAINING TO SICK LEAVE PAYOUT.**

Council President Wieland led discussion regarding the proposed ordinance noting the change requiring 10 years of continuous service. In addition, he addressed the change allowing employees with 10-20 years of continuous service to receive 66% of their accumulated sick leave retirement payout not to exceed 120 days or 960 hours until May 31, 2020. At 20 years of service, the payout is 100% of accumulated sick leave not to exceed 120 days or 960 hours.

In addition, Section 301 is proposed to further reduce sick leave payout benefits effective June 1, 2020, as on or after the aforementioned date, the sick leave earned while working for the City of Bryan will be reduced to 50% of the accumulated sick leave up to 120 days or 960 hours after 10 years of employment with the City, 66% of accumulated sick leave up to 120 days or 960 hours after 15 years of services with the City, and 100% of accumulated sick leave up to 120 days or 960 hours after 20 years of employment with the City. He continued with a brief comparison of sick leave retirement payout information from other entities noting that Bryan's policy was very generous.

Board member Sprow inquired of Mayor Schlade where it is stated the Council is in charge of the Handbook to which she replied Municipal Code 157 of the Charter. Mr. Sprow then continued to ask if it was stated anywhere that there couldn't be two (2) handbooks to which Mayor Schlade again referred to the Municipal Charter and City Attorney Fisher noted that outside sources had also confirmed that Council is the authoritative body of the handbook.

Board Chairman Salsbury added that he doesn't object to the changes; however, he thought they should be implemented over time. Further discussion was held. Board member Long noted that he has hired legal counsel out of Columbus to make inquiries with the State Attorney General's office. Council member Betts pondered that if two (2) handbooks were to be in operation at the same time, is that delineating two (2) separate entities under which Bryan Municipal Utilities would lose their tax exempt status? He continued that Council is elected to represent the City of Bryan – not specific to Bryan City employees and noted that during the last Police contract negotiation, Mayor Johnson had spoken with City Attorney Fisher about this specific issue and indicated to try to get the City in sync on the issue.

Further discussion was held regarding when the original December 27, 2018, City of Bryan 2019 Employee Handbook was distributed and subsequent chain of events regarding input being provided over the course of the year as it was drafted. City Attorney Fisher noted that the sick leave retirement policy was discussed with department heads prior to the final draft of the handbook being presented on December 12, 2018. Board member Sprow reviewed a December 12, 2018, email regarding the handbook. Further discussion was held regarding the discussion and passage of the handbook via Ordinance 53, 2018, on December 27, 2018, where City Attorney Fisher reviewed the sick leave retirement change. Mayor Schlade also noted that Councilman Betts stated at the same meeting that he wished to further review sick leave after the ordinance had passed.

Director of Utilities exited the meeting at 12:32 p.m. and reentered the meeting at 12:34 p.m.

Board member Long requested that a grandfather status be inserted into the policy to which Councilman Hupe replied that Council passed the ordinance pertaining to the handbook as they set policy. He continued with a recap of a situation where a citizen of Bryan had been charged for service incorrectly. The Board held firm at the time and noting it was policy. Chairman Salsbury responded that he felt the Board had responded properly with regard to the above situation. He continued noting that the Board was elected to represent the utilities and that the biggest part of the utilities is the employees.

Further discussion was held with Board member Long suggesting a grandfather clause so that anyone hired after January 1, 2019, would have the proposed sick leave retirement policy and those hired before January 1, 2019, would be under the 2015 City of Bryan Employee Handbook policy on sick leave retirement payout. Further discussion was held with Council President Wieland suggesting a possible compromise giving employees eligible to retire a little longer time to figure out their personal path.

Discussion was then held regarding how the handbook changes affect non-bargaining units. The bargaining units will follow their respective contracts unless changes are made during negotiations. Councilman Betts explained this situation requires balances while looking at sustainability.

Board Chairman Salsbury feels the Board is compromising. He is concerned that those employees immediately affected need to be taken care of. Board member Sprow also feels the Board has compromised as they would have preferred to keep the 2015 Handbook the way it is. Board member Ford stated that everything other than Section 301 in the revised Handbook was fine.

City Attorney Fisher addressed the Board and Council to state that this section was originally drafted to match the Police collective bargaining unit. Another reason it was changed was to reward those people who have given their entire career to the City of Bryan. A third reason was to provide incentive to employees hired late in their career to stay here for at least 10 years to receive the sick leave retirement payout. A fourth reason noted was for sustainability.

City Attorney Fisher continued by offering a suggested compromise of allowing the old (2015) handbook to stand until the end of 2019. Then implement phase 1 of the sick leave retirement payout on January 1, 2020, which would allow employees with 10-20 years of continuous service to receive 66% of their accumulated sick leave retirement payout not to exceed 120 days or 960 hours. At 20 years of service, the payout is 100% of accumulated sick leave not to exceed 120 days or 960 hours. Then, on January 1, 2021, implement phase two (2) of the sick leave retirement payout on January 1, 2021, allowing 50% of the accumulated sick leave up to 120 days or 960 hours after 10 years of employment with the City, 66% of accumulated sick leave up to 960 hours after 15

years of services with the City, and 100% of accumulated sick leave up to 120 days or 960 hours after 20 years of employment with the City.

City Attorney Fisher advised Council to act on the ordinance as there are pending retirements. She suggested discussion on the proposal as she suggested and approve it by motion. Then, she would redraft the ordinance for Council with the amendments to be official. Further discussion was held on which governing body would be voting on the ordinance as well as an example being provided on an employee who is currently eligible to retire.

Board member Allen added that the dollars to be saved if the ordinance were approved as written were minor in the scope of things and that employees were hired expecting this payout. Further discussion was held.

Mr. Betts moved to suspend the reading of Ordinance No. 24, 2019, as amended by City Attorney Fisher, on three separate days.

Further discussion was held regarding the phase in process as proposed as well as the length of time being extended for eligible employees. Board member Long added that he felt sick time could be abused with the changes. Further discussion was held with Councilman Yahraus asking the Board if they would be satisfied with the ordinance as amended by City Attorney Fisher to which Chairman Salsbury said he would need to study it and Board member Long said it was a great compromise and Board member Allen said he could go along with it.

Mrs. Yahraus seconded the motion to suspend the reading of Ordinance No. 24, 2019, as amended by City Attorney Fisher, on three separate days. The motion passed unanimously. Then, Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Ordinance No. 24, 2019, as amended by City Attorney Fisher. Roll call was taken and the motion passed unanimously.

Discussion was held on how to handle the remaining agenda items and when the amended ordinance would be available.

Mr. Long moved, Mr. Salsbury seconded, to remove items three (3), four (4), and five (5) from the agenda. Roll call vote: all ayes; nays, none. Motion carried.

Board member Long thanked Council for the discussion and noted that he appreciated the compromise.

Mr. Long moved, Ms. Ford seconded, to adjourn the Joint Special Meeting. Roll call vote: all ayes; nays, none. Motion carried.

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Chairman of the Board

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Clerk-Treasurer