

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Corby Valentine
Steve Smith
Tony Miller
Rita Baker
Seth Speiser
Charlie Mattern

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

October 12, 2009

NOTICE

MEETING OF PERSONNEL & PUBLIC SAFETY COMMITTEE (Personnel/Police/ESDA/Fire) (Baker/Smith/Mattern)

A Personnel and Public Safety Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 14, 2009, at 5:30 p.m.**

PERSONNEL AND PUBLIC SAFETY COMMITTEE MEETING

I. Items to be Reviewed

POLICE COMMITTEE:

- A. Old Business
 - 1. Security camera for lobby
 - 2. H1N1 (swine flu)
 - 3. Limited parking request on W. St. Clair Street
 - 4. Surplus police car
- B. New Business

PERSONNEL COMMITTEE:

- A. Old Business
 - 1. Approval of September 10, 2009 minutes
 - 2. Employee handbook
 - a. Public Works On Call Status
 - 3. Job descriptions/employee evaluations
- B. New Business
 - 1. Executive Session to discuss personnel, 5 ILCS 120/2(c)(1)(a)
 - 2. Approval of September 10, 2009 Executive Session Minutes
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Personnel Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c) (3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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PERSONNEL AND PUBLIC SAFETY COMMITTEE MEETING
Wednesday, October 14, 2009 at 5:30 p.m.

Chairperson Rita Baker called the meeting of the Personnel and Public Safety to order on Wednesday, October 14, 2009 at 5:41 p.m. Those present were Chairperson Rita Baker, Trustee Steve Smith, Trustee Charlie Mattern, Mayor Ray Danford, Police Chief Mel Woodruff, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Larry Rhutasel.

POLICE: A. OLD BUSINESS: Rita amended the order of business so guest Larry Rhutasel could be first on the agenda.

1. Limited parking request on W. St. Clair St.: Larry explained St. Paul's would like a restricted area for parking for the preschool and Sunday school kids. The committee agreed to keep the existing "No parking here to corner," sign on the northeast corner of W. St. Clair and Belleville Street; add an additional sign to that one that states, "No parking between the signs M-F 8am - 4pm, Sun 8am - 11am." A new sign post will be added by the east end of the education center which will also have the "No parking between signs M-F 8am - 4pm, Sun 8am - 11am."

2. Security camera for lobby: Dennis said the computer equipment and security cameras have arrived. When we get ready to put the cameras up for the recycling center, this will be done at the same time. The computer will go in the copy room and can handle six or eight cameras. At some point Mel would like to add on some cameras to cover the hallway and booking area.

3. H1N1 Swine Flu: Nothing new.

4. Surplus police car: The estimate from Jim's to repair the old police car is \$1,682 which does not include the cost to replace the tires. Mel did not feel comfortable recommending this car be kept in use. Charlie suggested if we need another pickup truck for the public works department, we could put one in the budget and retire one for Phil to use. Dennis commented the public works department has an old police car that is parked at the plant and said maybe that could be given to Phil to use. Dennis will check with Ron on that. Ray would like to see the infrastructure on the computer and Julie advised Debbie is trying to work it into one of the projects she is working on. The old police car will be recommended to the board that it be sold as surplus.

B. **NEW BUSINESS:** Mel advised we had a significant theft from Parrish in Freeburg. The items were recovered. The investigation is ongoing. Mel reported petty crimes have increased. He said the biggest thing we can do is patrol and are doing so.

EXECUTIVE SESSION

6:11 P.M.

Trustee Steve Smith motioned to enter Executive Session to discuss personnel, citing 5 ILCS 120/2(c)(1)(a) and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

EXECUTIVE SESSION ENDED

7:05 P.M.

Trustee Steve Smith motioned to end Executive Session at 7:05 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried. Trustee Rita Baker reconvened the meeting at 7:06 p.m.

PERSONNEL: A. OLD BUSINESS:

1. Approval of September 10, 2009 minutes: *Trustee Steve Smith motioned to approve the September 10, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

2. Employee handbook: Nothing new at this time.
a. Public Works On Call Status: Information obtained from Attorney Wigginton was included in the packet. Steve said we can make on call a requirement but cannot force the employee to take comp time without offering an option to take pay instead of comp time. We can offer the employee the option of one hour of pay or two hours of comp time to encourage comp time be taken. Julie contacted several other municipalities and has attached information on what they do.

3. Job Descriptions: Evaluations are done. Ray asked the trustees where this was coming from. Job descriptions are in the code and the trustees will review those to see if they have any comments or revisions that may need to be done with any of them. We may need to evaluate the workload of certain positions to see if any job descriptions need to be redefined.

B. **NEW BUSINESS:** None.

C. **GENERAL CONCERNS:** None.

D. **PUBLIC PARTICIPATION:** None.

ADJOURN: *Trustee Steve Smith motioned to adjourn at 7:13 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.*

Julie Polson, Office Manager



JIM'S AUTOMOTIVE INC.
705 NORTH STATE
FREEBURG,IL. 62243
(618)539-4700

Customer: Village Of Free (Police)
Address:
City, State:
Day Phone: 539-3132
Night Phone: 781-5310 Stan
Fax:
Estimate Ref: 7587
Date: September 23, 2009
Time: 02:02 PM

Service Writer:
Service Tech:
VID: 03 Impala #98
Mileage: 138592

Vehicle: 2003 Chevrolet Impala V6-3.8L VIN K

Description	Part #/Labor Rate	Qty	Price/Time	Extended		
Heater Core						
Heater Core	15-60142	88956887	1	210.00	210.00	
Heater Core						
Replace (B)		Labor 82.50 / hr	1	4.50	371.25	
Does Not Include: Refrigerant Recovery Or Evacuate & Recharge AC System.						
Scan						
Scan Eletronic Control System, Code: U1040			1	45.00	45.00	
Brake Pad						
Front Pads						
With ABS	MKD699	18029828	1	75.00	75.00	
Rear Pads	MKD698	18023377	1	75.00	75.00	
Brake Pad						
Replace						
Front Pads (B)		Labor 82.50 / hr	1	1.30	107.25	
Rear Pads (B)		Labor 82.50 / hr	1	1.30	107.25	
Brake Rotor/Disc						
Rear Brakes						
Rotor	PRT5155	88965647	2	45.00	90.00	
MR						
Machine Front Rotors			2	15.00	30.00	
Spark Plug	41-101		6	9.75	58.50	
Replace (B)		Labor 82.50 / hr	1	1.00	82.50	
Fuel Filter						
Fuel Filter	GF578	25121293	1	30.00	30.00	
Fuel Filter						
Replace (B)		Labor 82.50 / hr	1	0.50	41.25	
ATF	Auto Trans Fluid		16	3.00	48.00	
BGTFK	Trans Flush Kit		1	28.95	28.95	
CTFM	Change Trans Fluid With Machine		Labor 82.50 / hr	1	0.80	66.00
Air Filter Element						
Air Filter	A1614C	10351258	1	26.00	26.00	
10-101	Dexcool		1.5	21.50	32.25	
Coolant						
Replace						
Complete System Service (C)		Labor 82.50 / hr	0	1.00	0.00	
Includes: Pressure Test System For Leaks. Check Thermostat And Heater Operation, Check All Belts, Drain And Flush System And Add Coolant.						
Battery	78-72OR		1	85.47	85.47	
Service or Charge						
Battery, Charge/Test (B)		Labor 82.50 / hr	1	0.50	41.25	
Includes: Test Battery And Charge If Necessary. Does Not Include: Battery, Renew						
PF47	Oil Filter		1	5.19	5.19	
V1W3	Valvoile Oil		5	2.60	13.00	
SER	Service		1	13.00	13.00	

Labor Total	904.75
Parts Total	777.36

Sub-Total	1682.11

Total	\$ 1682.11

Signature

Date

* TIRES

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PERSONNEL AND PUBLIC SAFETY COMMITTEE MEETING Thursday, September 10, 2009 at 6:30 p.m.

Chairperson Rita Baker called the meeting of the Personnel and Public Safety to order on Thursday, September 10, 2009 at 6:30 p.m. Those present were Chairperson Rita Baker, Trustee Steve Smith, Trustee Charlie Mattern, Police Chief Mel Woodruff, Village Administrator Dennis Herzing, Public Works Director Ron Dintelmann, Assistant Public Works Director John Tolan and Office Manager Julie Polson.

POLICE: A. OLD BUSINESS:

1. Security camera for lobby: Dennis said the agreement has been signed. Ron has bought the wire for the security cameras for the recycling center. Mel said a space has been cleaned out in the storage room for the computer.
2. H1N1 Swine Flu: Mel said this topic was covered at the 9/8/09 board meeting.
3. Limited parking request on W. St. Clair St.: Dennis talked to Larry who could not make it to the meeting. The committee agreed to have him come to the next meeting to discuss the parking request. They want an unobstructed area for kids to be dropped off for Teeny Tots.

B. NEW BUSINESS:

1. Surplus police car: Mel said we have an old police car that has a bad heater core. Dennis said we had previously discussed giving Phil one of the older police cars. Mel said it would cost around \$700 - \$800 to get the car fixed. The committee agreed to have Jim's Automotive evaluate the car to see what would need to be done to get it fixed. Mel will explain to them it is going to be used on a limited basis.
2. Request to be paid for unused vacation time: Officer Schutzenhofer has 88 hours of unused vacation time that he would like to cash in. Mel said he will probably have a week to cash in as well.

Trustee Steve Smith motioned to recommend to the full Board Officer Schutzenhofer be paid for 88 hours of unused vacation and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Steve said there was an article in the IML Municipal Review that addressed safe driving and implementing a driver safety program. Steve asked if we have heard anything on the gloves for the swine flu and Julie said she has sent Gene an email but hasn't heard anything yet.

Personnel/Police Committee Meeting
Thursday, September 10, 2009
Page 1 of 3

PERSONNEL: A. OLD BUSINESS:

1. Approval of August 12, 2009 minutes: *Trustee Steve Smith motioned to approve the August 12, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

2. Employee handbook: Nothing new at this time.

a. Public Works On Call Status: Dennis did not talk to Attorney Wigginton on this topic. Ron said we need to talk to the employees about making on call mandatory. John said he has talked to some of the employees and they would rather take the pay. We will talk to Steve to see if it is legal to make on call mandatory and if so, can it be taken as comp time. This would become part of the employee handbook and everyone will sign off on it. Charlie said we need to address the situation where no-one wants to be on call and how we handle it. Ron said the lineman job description states they are subject to call out. Dennis thinks they are all subject to call out. Ron said the electric department will bear the brunt of it since there are only 3 linemen.

3. Job Descriptions: Nothing new. Dennis and Julie will work on the employee evaluation form. Steve wants to start the reviews in September.

B. NEW BUSINESS:

1. Executive Session to discuss personnel, 5 ILCS 120/2(c)(1)(a):

EXECUTIVE SESSION

7:02 P.M.

Trustee Steve Smith motioned to enter Executive Session to discuss personnel, citing 5 ILCS 120/2(c)(1)(a) and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

EXECUTIVE SESSION ENDED

7:20 P.M.

Trustee Steve Smith motioned to end Executive Session at 7:20 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Trustee Rita Baker reconvened the meeting at 7:22 p.m.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

ADJOURN: *Trustee Steve Smith motioned to adjourn at 7:33 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.*



Julie Polson
Office Manager

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VILLAGE ATTORNEY
Stephen R. Wigginton

Date: September 29, 2009

To: Mayor Danford, Trustee Baker, Trustee Mattern, Trustee Smith

From: Julie Polson
Office Manager

Re: On-call issues

Please find attached information provided to us by Attorney Wigginton with regard to the issue of on call status for the public works employees.

/jp

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Steven L. Brenneman, Becky L. Kalas, Editors
Ford & Harrison LLP

Vol. 18, No. 10
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WAGE AND HOUR LAW

ComEd victory illuminates on-call pay issues

*Some employers need employees to be on **call** to respond to business needs, but whether they must be paid while on **call** can be a vexing question. The Seventh Circuit recently pulled the plug on overtime claims by a class of ComEd employees who demanded pay while subject to the company's system for calling off-duty employees into work when additional manpower is needed in an emergency.*

Generating controversy

A class of more than 1,000 linemen and other hourly employees claimed that ComEd, a Chicago-based electric company, violated their rights under the Fair Labor Standards Act (FLSA) by its implementation of its "automated roster **call** out system." The system is designed to notify off-duty employees when additional manpower is needed for emergencies. Under the rules of the system, an employee must provide ComEd a phone, beeper, or cell phone number. If he fails to answer more than 50 percent of the calls or refuses to accept more than 35 percent of the calls, he is disciplined. The only exceptions occur when the worker is absent because of illness or on vacation. If he continues to fall below either minimum, he may ultimately be fired.

Once an employee accepts an on-**call** assignment, he must report to his normal duty station within two hours of taking the **call**. From there, he's dispatched to the work site. He is paid from the time he leaves his normal duty station until he arrives at the work site and for the time it takes him to return to his normal duty station at the end of the day. Workers aren't paid for the time spent commuting between home (or wherever the **call** was received) and the normal duty station.

Although ComEd has long had a **call**-out procedure to deal with emergency repairs, to reduce costs, it now requires a much higher response rate than before. Previously, no response rate was specified, and the average rate was below 20 percent. Now that employees are required to answer more than half of the calls and accept more than 35 percent of the **call**-out assignments, they claim that frequent **call** outs disrupt their home life. Based on that disruption, they believed they were entitled to compensation under the FLSA while waiting for calls.

Watts your problem?

In general, whether employees' on-**call** time is compensable depends on whether the wait predominantly benefits the employer and whether the employees are able to use the time for their own purpose. Severe restrictions on an employee's on-**call** time that prohibit him from using the time for personal pursuits will require him to be compensated. Factors considered in determining whether on-**call** time is compensable include:

- the required response time;
- use of a pager, cell phone, or PDA to ease restrictions;
- the employee's ability to engage in personal activities; and
- the frequency of calls.

ComEd's **call**-out procedure doesn't require employees to stay at home or at any other designated location. Instead, an employee must stay within a two-hour radius of his normal duty station (and even that requirement is flexible since a worker need only accept 35 percent of his **call**-out assignments). The federal district court in Chicago found that ComEd's **call**-out program doesn't impose enough restrictions on employees' time that it makes the on-**call** time compensable. The workers, unhappy with that decision, appealed to the Seventh Circuit.

The Seventh Circuit acknowledged that the **call**-out program somewhat curtails a worker's freedom of action. As the court noted, an employee only slightly above the 35 percent minimum for accepting calls would jeopardize his job if he left town for the weekend. But the court said that the two-hour response time and other flexibilities built into the system (e.g., being available by cell phone) tipped the balance in favor of ComEd. The hardships on the employees, said the Seventh Circuit, weren't so severe that it turned waiting time into working time. In FLSA parlance, the employees' freedom wasn't so curtailed that they were "engaged to wait." Instead, while on **call**, they were "waiting to be engaged," and therefore, the on-**call** time wasn't compensable work time. *Jonites v. Exelon Corp.*, No. 07-3053 (7th Cir., Apr. 3, 2008).

Lights out

Employers with on-**call** employees should be mindful that whether on-**call** time is compensable depends on the situation. The more restrictions placed on employees' time, the more likely the time will be deemed compensable.

If you have on-**call** employees, you should review your policies and on-**call** requirements. If you allow employees to be reached by cell phone and don't insist on immediate or frequent responses, you should be able to maintain an on-**call** program in which employees need not be paid unless and until they accept a **call** and report to work.

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ILLINOIS EMPLOYMENT LAW LETTER does not attempt to offer solutions to individual problems but rather to provide information about current developments in Illinois employment law. Questions about individual problems should be addressed to the employment law attorney of your choice.

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On Call Time:

Waterloo: They are under union contract. It is a requirement to be on call and it is done on a rotation basis. For all public works (other than streets): they get 3 hours standby just to carry a phone for M-F; they get 4 hours S&S; Streets gets 1 hour standby M-Th; 3 on F; 4 on S&S. They have to be certified to be able to be on call. They get 4 hours for a holiday. If they get called out, they get 2 hours of overtime (even if only out for 15 minutes). The call out time is paid either in straight time hours or straight time comp hours. They said there is never a problem getting guys to work. They are responsible for getting someone to work their day if they have a conflict. Streets: Street supervisor creates a mandatory rotation schedule for the entire year. If the employee can't work, he is responsible for finding replacement. Only reimbursed when called out at time and a half, no standby pay.

Mascoutah: Their public works employees are union. There is nothing that sets up specific on call requirements. When they need something, either City Hall or dispatch will go down the line starting with the supervisor, then starting with the low man and working up to get work done. When they are called out, it is considered overtime, so they are either paid time and a half, or they can put the time in comp time.

Red Bud: Their electric department employees are required to participate in an on-call rotation. They are given additional pay for their time on-call. No union.

Sullivan: Employees of electric, gas and sewer departments have a rotational shift for on-call duty, compensated by a bonus of one-hour overtime pay during the week and 2 hours of overtime pay per day on weekends and holidays. Call outs are a minimum of one hour paid time at the time and a half rate. No union.

Marshall: On call is rotational within the departments and the employee receives a flat \$70 per week for wearing a pager or city cell phone during that week. If they are called out, they receive an additional minimum three hour call out pay at the appropriate overtime rate. Most of their hourly employees are union.

Highland: All of their public works employees are union and have an on-call rotation. Per their contract, the city sets up a rotation schedule, they are on call 7 days at a time. The on-call person carries a city cell phone and is paid \$1.80 per hour for their on-call time and then if called out, they are paid a minimum of 2 hours OT or hours actually worked if greater than 2 hours. If they cannot work when scheduled to be on call, they must go down the seniority list and find someone to cover for them.

Carlyle: They do not require anyone to be on call. Everyone except supervisors are union. If someone gets called out after hours, they are paid call out (two hours at regular rate) and overtime for time worked with a minimum of one hour.

Employee Evaluations:

Waterloo: No.

Mascoutah: No.

Smithton: No.

Red Bud: No.

Sullivan: No.

Marshall: No, tried in the past but never worked as the employees ended up getting evaluated on attendance and/or tardiness and attitude.

Highland: Currently only conducted on the director's staff. They are in the process of implementing a new pay and classification system and will be moving to a performance based system versus a cost of living adjustment system in terms of the non-union employees. They do not evaluate their union employees but hope to incorporate some performance measures into their contracts.

Carlyle: No.