



City of Elkins

Personnel Committee Meeting

February 5, 2024
1:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

Charter Authority of the Personnel Committee: Review and propose to Council employment policies, including employee compensation and benefits and an employee handbook. Review applications for primary staff positions recommended by the Mayor and make hiring recommendations to Council.

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the joint meeting of the Finance and Personnel Committees of January 8
4. **Reports**
5. **New business**
 - a. Nomination of municipal court judge
 - b. HSA administration (presentation from vendor and recommendation for action)
 - c. Revising policy for emergency government closures
6. **Announcements**
7. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 5, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the joint meeting of the Finance and Personnel Committees of January 8
Recommended By:	City Clerk
Summary:	Minutes from the Jan. 8 joint meeting of the Finance and Personnel Committees
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. Finance & Personnel committee - 2024_01_08 - minutes_proposed

FINANCE & PERSONNEL COMMITTEES SPECIAL MEETING MINUTES

***401 Davis Avenue
City Hall, Council Chambers
January 8, 2024
1 p.m.***

Present were Committee Members: R. Chenoweth (Personnel and Finance), M. Hinchman (Personnel and Finance), C. Thompson (Personnel) and C. Lowther (Finance).

Also present were: Jerry Marco (mayor), Mike Kesecker (operations manager), Gerry Roberts (city attorney), Tracy Judy (treasurer), Steve Himes (fire chief), Travis Bennett (police chief), M. Washington (human resources), J. Deighan (communications), and Sutton Stokes (city clerk).

MINUTES

Chenoweth **MOVED APPROVAL OF THE MINUTES OF THE PERSONNEL COMMITTEE MEETING OF AUGUST 15, 2023.** The motion carried.

Chenoweth **MOVED APPROVAL OF THE MINUTES OF THE FINANCE COMMITTEE MEETING OF DECEMBER 11, 2023.** The motion carried.

NEW BUSINESS

Chenoweth **MOVED RECOMMENDING COUNCIL APPROVAL OF THE PRESENTED PROPOSAL FOR PEIA HEALTH INSURANCE BENEFITS FOR FY 2025.** The motion carried. In this motion, the committee recommended that council take the following actions:

- Designate PEIA Plan C as the city's base plan.
- Cover 100 percent of the premium cost of Plan C for all eligible employees and dependents.
- Contribute full annual deductible amount of Plan C to Health Savings Account for all eligible employees.
- Contribute premium costs for any employee selecting any PEIA plan other than Plan C, up to the cost of Plan C.

The meeting adjourned at 1:27 p.m.

The foregoing minutes were approved at the meeting of _____.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 5, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Nomination of municipal court judge
Recommended By:	Human Resources, Mayor
Summary:	Per the city charter, the Personnel Committee reviews candidates for Municipal Judge. This position is vacant and the Mayor has nominated a candidate to fill the position. Additional information will be provided to the committee at the meeting. This agenda item would qualify for discussion in executive session to preserve confidentiality during consideration of a personnel matter.
Fiscal Impact:	TBD
Recommendation:	Consider for recommendation to council.
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 5, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	HSA administration (presentation from vendor and recommendation for action)
Recommended By:	Human Resources
Summary:	With council having approved shifting to PEIA Plan C (high deductible) for FY 2025, council must now select an administrator for the associated Health Savings Plan program. The attached memo explains HR's recommendation. A vendor representative will attend the meeting.
Fiscal Impact:	No direct cost to city or employees during FY 2025
Recommendation:	Consider for recommendation to council
Attachments:	1. Plan C Plan Admin Recommendation - Health Equity _ Aflac

HR Recommendation: Assign Health Equity as the HSA Administrator and Aflac as primary supplemental insurance provider.

Plan C is designed to work with either a health savings account or a health reimbursement arrangement. Moving towards Plan C as our base plan will require us to have an HSA trustee/custodian administer the account. Employees can use the HSA funds to go toward the high deductible amount of Plan C.

Employee benefits of an HSA:

- HSA contributions are tax-deductible or pre-tax (if made by payroll deduction). See IRS Publication 969(external link)(PDF file).
- Interest earned on your account is tax-free
- Withdrawals for qualified medical expenses(external link) are tax-free
- Unused funds and interest are carried over, without limit, from year to year
- Employees own the HSA and it is theirs to keep — even when they change plans or retire

Employer benefits of an HSA:

- Employers can receive tax savings by contributing to HSAs. HSA contributions are untaxed and can receive a triple tax advantage under federal law when set up under the Section 125 Cafeteria plan. Employers can also reduce their payroll tax on the amounts employees contribute to their HSAs.

There is an opportunity to secure HSA administration through an Aflac partner named Health Equity.

- There will be no fee for HSA administration because we are a public sector entity and can have it waived by Aflac.
- Aflac will help us update our Premium Only Plan documents/ Cafeteria Plan documents.
- Aflac does not charge a fee to us but under the agreement with Aflac we would need to offer two or more lines of Aflac products during the open enrollment period and the products need to remain in effect for a minimum of 3 years from the effective date of the products. Also, under the agreement, Aflac will cover the monthly per participant cost of the HSA administration facilitated by Health Equity for three years.
- Aflac is also going to help with our open enrollment onsite and be available to help with the training of staff and family members prior to the open enrollment start date for educational purposes.

Staff recommends the following actions:

- Secure HSA administration through Health Equity and work with Aflac.
- Assign Aflac as our primary supplementary insurance provider and grandfather in the other plans for three health plan years.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	February 5, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Revising policy for emergency government closures
Recommended By:	City Clerk
Summary:	The city's current policy for closing in response to weather and related emergencies forces the city to close whenever the governor declares a state of emergency and shifts employee pay status as of the effective time of the announcement. This is not a good practice, as the announcement and effective time of these declarations rarely coincides with the actual arrival of inclement weather. The attachments show proposed changes to this policy that would shift authority for initiating and announcing closures to the mayor, in consultation with the appropriate staff. Certain other changes clarify compensation changes during emergency closures and related details. • One attachment shows all new language and struck out old language, based on the current policy. (File name ending "marked up") • The other attachment simply shows all new and retained language, for easier reading. (File name ending "after changes")
Fiscal Impact:	Overall cost savings, based on changing to emergency pay status closer to the actual onset of inclement weather
Recommendation:	Consider for recommendation to council
Attachments:	1. Recommended Revision of the Emergency Closure Plan - marked up 2. Recommended Revision of the Emergency Closure Plan - after changes

Recommended Revision of the Emergency Closure Plan

See below for recommended changes to the city's policies concerning closures for inclement weather and similar emergencies.

Deletions are marked with strikethroughs; new text is highlighted yellow.

8. H: Inclement Weather & Related Emergencies

Section H: Inclement Weather and Emergencies

Employees are expected to exercise appropriate judgment if faced with inclement weather or emergency conditions. While employees should not jeopardize their personal safety unnecessarily to get to work or remain on the job for the full workday, neither should they overreact to normal fluctuations in the weather.

If local weather or similar conditions warrant, the city government may announce a closure. This section provides guidance for how work schedules and compensation may adjust during emergency closures of the city government. This section also explains how closure times will be determined and announced.

H.1. Essential and Non-essential Employees

When the city government is closed because of inclement weather or emergencies, employees are affected differently depending on whether they are considered "essential" or "non-essential." These categories are defined below. So far as practical, supervisors should inform employees of their "essential" or "non-essential" status in advance of the arrival of inclement weather or emergency conditions.

H.1.1. Essential Employees

Essential employees are those whose work duties either involve responding to weather/emergency conditions (e.g., snowplow or equipment operators) or cannot be suspended without posing danger to persons and/or property (e.g., first responders, plant operators, etc.). Availability for response to emergencies is a condition of employment for many city positions. Check with your supervisor if you are not sure whether your position would be considered "essential" during an emergency closure.

When the city government is closed because of weather or other emergencies, essential employees should report for or remain at work as usual or otherwise operate as directed by their supervisors.

As of the announced closure time (explained below), essential workers will be paid under the terms of the Call-Out Policy described earlier in this document. That is, essential workers will only be paid for hours actually worked, but they will be entitled to a minimum of two and one-half hours' overtime pay each time they report for a new shift during the emergency. They will be paid one-and-a-half times their usual rate for all hours worked during the emergency. Essential workers are not required to punch out for meals during the emergency.

~~automatically receive Call-Out Pay and begin receiving time-and-a-half emergency pay,~~

~~regardless of the total number of hours worked so far that week. Essential workers will continue to be paid for all hours worked during the declared emergency at a rate of time and a half their usual pay rate, regardless of the total number of hours worked. Essential workers will be entitled to an additional Call Out Pay payment each time they report to work during the emergency. E~~

~~For time worked during such closures, hourly essential employees receive Call-Out Pay (section C, above) and are paid time and a half for actual hours worked. For time worked during such closures, exempt essential employees receive one hour of compensatory time for each hour worked. (See below for more information.)~~

~~are paid as per the city's Call-out Policy (see section C, above).~~

H.1.2. Non-Essential Employees

Non-essential employees are those whose work (1) does not involve responding to the weather/emergency condition and (2) can be suspended temporarily without posing danger to persons and/or property.

When the city government is closed, non-essential employees are excused from work but continue to receive the same pay they would have received for all previously scheduled shifts that they would have worked if not for the closure.

When the city government is closed because of weather or other emergencies, non-essential employees should not report to work or perform any non-essential work without authorization from the appropriate administrative officer. Some employees generally considered non-essential may be needed from time to time during the emergency to perform essential tasks related to the emergency (e.g., periodic public-facing communication; analysis and decision-making concerning the duration of the closure; or coordination of response to the emergency). Availability for such tasks is a condition of employment for some city positions. Check with your supervisor if you are not sure whether some of your job duties might be considered essential during an emergency closure.

If hourly non-essential employees perform any work for the city during the closure, they will be compensated at time and a half. If exempt non-essential employees perform any work for the city during the closure, they will receive one hour of compensatory time for each hour worked. (See below for more information.)

~~Non-essential employees' pay status for those hours the city is closed is the same as when they work a normal workday, and they are not charged for annual leave, personal days or compensatory time.~~

H.2. Unscheduled Time Off

~~Because of the wide geographic area in which city employees reside, some employees may face substantially different conditions near their residences than are occurring in Elkins. The city cannot excuse some employees when the city is otherwise open. In this case, an employee has the option of using unscheduled time off. There are two different circumstances when this might occur: (1) when the city is open or, (2) for essential~~

employees, when the city is closed.

H.2.1. Unscheduled Time Off when City is Open

When the city is open, but, in an employee's best judgment, conditions make it unsafe to travel to work, that employee may be excused from work by using accrued annual leave, personal days, or compensatory time. Similarly, an employee already at work might decide to leave early because of worsening conditions that lead that employee to believe that it will soon be unsafe to travel home. Such an employee must also use accrued annual leave, personal days, or compensatory time.

Employees electing not to report to work under this "unscheduled time off" option must notify their supervisors no later than 45 minutes after the start of their standard workday, or as soon as possible thereafter when such communication is not possible or safe; such notice should include whether they intend to use annual leave, personal days, or compensatory time for the hours they were scheduled to work.

Employees electing to leave work early under this option must similarly document their decision and reasons to their supervisor.

Failure to provide this notification may result in the absence being considered unauthorized; disciplinary action may result.

Where possible, supervisors should allow employees to make up missed time; to avoid unnecessary overtime charges, this makeup time should occur during the same week when the time was missed unless extraordinary circumstances prevent this.

H.2.2. Unscheduled Time Off when City is Closed

If the city is closed but an essential employee believes that conditions make it unsafe to travel to work, that employee may be excused from work by using accrued annual leave, personal days, or compensatory time. Overuse of this option may result in a determination that the employee is not suited for a position considered "essential."

H.3. Closures Announced During a Workday

It may happen that the city is open at the beginning of a workday but must be closed later, due to the onset of severe weather or other emergency conditions.

As of the announced closure time, essential employees will operate and be compensated as described in section H.1.1., "Essential Employees." They will receive Call-Out Pay as of the announced closure time, provided that they remain on-site and available for work as directed by their supervisors.

As of the announced closure time, non-essential employees will operate and be compensated as described in section H.1.2., "Non-Essential Employees." These employees' excused paid period commences as of the announced closure time.

In this case, as described in section H.1.2 ("Non-Essential Employees"), all non-essential employees present at work when the closure is announced will be excused as of the announced closure time but remain on a normal workday pay status for the period of the standard workday remaining after the announced closure time; they will not be charged for annual leave, personal days, or compensatory time.

~~In the situation in which a closure is announced after the start of a standard workday, there might be some employees who will have already made the individual determination to either stay home or to depart from work early because of weather or emergency conditions (i.e., as described in section H.2.1., “Unscheduled time off when the city is open”).~~

~~Employees who, before a closure was announced, requested unscheduled time off because of weather or emergency conditions will be charged for annual leave, personal days, or compensatory time for all time missed before the closure announcement. Starting at the announced closure time, they will stop being charged for annual leave, personal days, or compensatory time and return to a normal workday pay status for the remaining period of the standard workday.~~

H.4. Delayed Openings

When conditions require delaying the start of the workday, non-essential employees will be excused and essential employees must report, as described in sections H.1.1 “Essential employees” and H.1.2. “Non-essential employees.”

H.5. Employees Unavailable for Work

During a closure, early closing, or delayed opening, the status of any employees who are already absent due to illness or on previously scheduled time off will not be affected. They will be charged either for **sick** leave, annual leave, personal days, or compensatory time, as previously planned.

H.6. Closure Announcements

Closures will be announced by the Mayor or the Mayor’s designee. Closure decisions will be made by the Mayor or the Mayor’s designee, after consultation with appropriate staff, depending on the nature of the emergency. Emergency announcements from other levels of government will not automatically result in a closure of the city government.

H.6.1. Announced Closure Time

In the closure announcement, the Mayor or the Mayor’s designee will specify the closure time. The announced closure time will signal the beginning of special emergency pay status for essential workers (see H.1.1., above). The announced closure time will signal the beginning of the paid excused period for non-essential workers (see H.1.2., above). ~~As of the announced closure time, essential workers will automatically receive Call-Out Pay and begin receiving time and a half emergency pay, regardless of the total number of hours worked so far that week. Essential workers will continue to be paid for all hours worked during the declared emergency at a rate of time and a half their usual pay rate, regardless of the total number of hours worked. Essential workers will be entitled to an additional Call-Out Pay payment each time they report to work during the emergency. Essential workers are not required to punch out for meals during the emergency.~~

H.6.2. Announced End-of-Closure Time

The Mayor or the Mayor’s designee will announce the date and time of the lifting of the emergency, after consultation with appropriate staff, ~~the Operations Manager and/or other administrative officers, depending on the nature of the emergency.~~

For non-essential workers, the announced end time will signal the end of their paid excused period. As of the announced end time, non-essential workers will be expected to report for work at the beginning of their next regularly scheduled workday and return to their normal work schedules thereafter.

For essential workers, the announced end time will signal the end of their special pay status. As of the announced end time, essential workers will be released from special emergency duties. These workers will be expected to report for the beginning of their next regular workday and return to their normal work schedules thereafter.

There are several ways that a closure may be announced. All of the following will constitute announcement of a closure, excusing non-essential employees without charges against annual leave, personal days, or compensatory time and triggering call-out pay for essential employees who report for work:

1. ~~Announcement by the mayor that city hall is closed or will be opening late due to weather or citywide emergency conditions. (Closure or delayed opening of the city hall building because of internal conditions, such as a burst pipe or loss of heat, will only affect employees assigned to work inside city hall.)~~
2. ~~Declaration by the mayor of a state of emergency for the City of Elkins.~~
3. ~~Announcement by Randolph County officials that the Randolph County Courthouse is closed due to city/countywide weather or emergency conditions.~~
4. ~~Declaration of a countywide state of emergency by Randolph County officials.~~
5. ~~Declaration by the governor of a statewide state of emergency.~~
6. ~~Declaration by the governor of a state of emergency for Randolph County or the City of Elkins.~~
7. ~~Announcement of delayed reporting for state employees, either statewide or in Randolph County. (In this case, city employees will be expected to report at the announced reporting time for state employees.)~~

Employees are advised that the governor or other state or local officials may make public statements that include the word “emergency” *without actually declaring a state of emergency.*

For example, the governor may make a statement to the effect that “non-emergency travel should be suspended.” Such announcements *do not* constitute declaration of a state of emergency; unless *state employees* are being explicitly ordered not to report for work, either statewide or in Randolph County, these announcements *do not* constitute closure announcements for City of Elkins personnel.

In the event of any declaration of a state of emergency, city hall will be closed for either:

1. ~~The remainder of the current workday (if the state of emergency is declared during a workday), or~~
2. ~~The next full workday (if the state of emergency is declared outside of city hall’s regular business hours; but see exception below).~~

~~Exception: a state of emergency declared between 4:30 p.m. on a Friday and 4:30 p.m. on the following Sunday will not trigger an automatic closure of city hall; in such cases, the mayor will announce any closures related to the circumstances that triggered the state of emergency. However, in the case of states of emergency declared during or extended to include weekends and/or holidays, essential employees normally assigned to weekend or holiday work hours (e.g., water and wastewater plant operators and wastewater collection employees) will receive call-out pay for any such hours worked while other employees are earning call-out pay for work assignments related to hazardous weather conditions (e.g., snowplow operators).~~

~~After the first workday on which a closure has been triggered by a state of emergency (as described above), and after local conditions have been evaluated, the mayor will announce either any further closures or the time of the reopening of city hall. Essential employees will receive call-out pay for hours worked between the effective time of any state of emergency declaration and any subsequent reopening of city hall, as announced by the mayor. (For other circumstances in which call-out pay is received, please see section 8.C of this manual.)~~

~~As usual, if local conditions make it unsafe to travel to work, employees should exercise the “unscheduled time off” options described above.~~

~~Closure announcements will be made over the following communication channels:~~

- ~~• Homepage of city website: www.cityofelkinswv.com~~
- ~~• City Facebook page: www.facebook.com/ElkinsCityHall~~
- ~~• City Twitter feed: www.twitter.com/ElkinsCityHall~~

~~We will also supply any such announcements to local media outlets.~~

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If local weather or similar conditions warrant, the city government may announce a closure. This section provides guidance for how work schedules and compensation may adjust during emergency closures of the city government. This section also explains how closure times will be determined and announced.

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Essential employees are those whose work duties either involve responding to weather/emergency conditions (e.g., snowplow or equipment operators) or cannot be suspended without posing danger to persons and/or property (e.g., first responders, plant operators, etc.).

Availability for response to emergencies is a condition of employment for many city positions. Check with your supervisor if you are not sure whether your position would be considered “essential” during an emergency closure.

When the city government is closed because of weather or other emergencies, essential employees should report for or remain at work as usual or otherwise operate as directed by their supervisors.

As of the announced closure time (explained below), essential workers will be paid under the terms of the Call-Out Policy described earlier in this document. That is, essential workers will only be paid for hours actually worked, but they will be entitled to a minimum of two and one-half hours’ overtime pay each time they report for a new shift during the emergency. They will be paid one-and-a-half times their usual rate for all hours worked during the emergency. Essential workers are not required to punch out for meals during the emergency.

H.1.2. Non-Essential Employees

Non-essential employees are those whose work (1) does not involve responding to the weather/emergency condition and (2) can be suspended temporarily without posing danger to persons and/or property.

When the city government is closed, non-essential employees are excused from work but continue to receive the same pay they would have received for all previously scheduled shifts that they would have worked if not for the closure.

When the city government is closed because of weather or other emergencies, non-essential employees should not report to work or perform any non-essential work without authorization

from the appropriate administrative officer. Some employees generally considered non-essential may be needed from time to time during the emergency to perform essential tasks related to the emergency (e.g., periodic public-facing communication; analysis and decision-making concerning the duration of the closure; or coordination of response to the emergency).

Availability for such tasks is a condition of employment for some city positions. Check with your supervisor if you are not sure whether some of your job duties might be considered essential during an emergency closure.

If hourly non-essential employees perform any work for the city during the closure, they will be compensated at time and a half. If exempt non-essential employees perform any work for the city during the closure, they will receive one hour of compensatory time for each hour worked. (See below for more information.)

H.3. Closures Announced During a Workday

It may happen that the city is open at the beginning of a workday but must be closed later, due to the onset of severe weather or other emergency conditions.

As of the announced closure time, essential employees will operate and be compensated as described in section H.1.1., “Essential Employees.” They will receive Call-Out Pay as of the announced closure time, provided that they remain on-site and available for work as directed by their supervisors.

As of the announced closure time, non-essential employees will operate and be compensated as described in section H.1.2., “Non-Essential Employees.” These employees’ excused paid period commences as of the announced closure time.

H.4. Delayed Openings

When conditions require delaying the start of the workday, non-essential employees will be excused and essential employees must report, as described in sections H.1.1 “Essential employees” and H.1.2. “Non-essential employees.”

H.5. Employees Unavailable for Work

During a closure, early closing, or delayed opening, the status of any employees who are already absent due to illness or on previously scheduled time off will not be affected. They will be charged either for sick leave, annual leave, personal days, or compensatory time, as previously planned.

H.6. Closure Announcements

Closures will be announced by the Mayor or the Mayor’s designee. Closure decisions will be made by the Mayor or the Mayor’s designee, after consultation with appropriate staff, depending on the nature of the emergency. Emergency announcements from other levels of government will not automatically result in a closure of the city government.

H.6.1. Announced Closure Time

In the closure announcement, the Mayor or the Mayor’s designee will specify the closure time. The announced closure time will signal the beginning of special emergency pay status for essential workers (see H.1.1., above). The announced closure time will signal the beginning of the paid excused period for non-essential workers (see H.1.2., above).

H.6.2. Announced End-of-Closure Time

The Mayor or the Mayor's designee will announce the date and time of the lifting of the emergency, after consultation with appropriate staff, depending on the nature of the emergency.

For non-essential workers, the announced end time will signal the end of their paid excused period. As of the announced end time, non-essential workers will be expected to report for work at the beginning of their next regularly scheduled workday and return to their normal work schedules thereafter.

For essential workers, the announced end time will signal the end of their special pay status. As of the announced end time, essential workers will be released from special emergency duties. These workers will be expected to report for the beginning of their next regular workday and return to their normal work schedules thereafter.