

## PUBLIC HEARINGS

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1. **City School Board Nominations**
  2. **Greensville County School Board Nominations**
  3. **Paid Time Off (PTO) Policy**
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Emporia's City Council held a Public Hearing on Tuesday, December 2, 2014, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the session.

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James E. Ewing, III  
Councilwoman Carolyn S. Carey  
Councilwoman Doris T. White  
Councilwoman L. Dale Temple  
Councilwoman Carol Mercer  
Councilwoman Deborah D. Lynch

Others present:

Mary L. Person, Mayor  
C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manager  
Dr. Edwin C. Daley, Assistant City Manager  
Tessie S. Wilkins, City Clerk  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue

Absent:

### **1. City School Board Nominations**

Mr. Thrower stated that nominations were being accepted at this time for appointment to the City School Board.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

*Ms. Marva Dunn, 272 Astrio Street*, addressed Council stating that she would like to be reconsidered as a candidate for the City School Board. She stated that reappointment would allow her to work with a team already in place to ensuring that the youth will excel academically and become positive and productive citizens.

Councilman Harris nominated Denise Parker and Marva Dunn for the City School Board.

Mayor Person stated that a formal appointment would be made no earlier than seven (7) days after the public hearing.

With there being no further comments to come before City Council, Mayor Person declared the first public hearing closed and proceeded to the second public hearing.

## **2. Greenville County School Board Nominations**

Mr. Thrower stated that nominations were being accepted at this time for appointment to the Greenville County School Board.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

*Mrs. Bernadette Battle, 207 Lee Street*, addressed Council stating that she would like to be considered as a candidate for the Greenville County School Board. She stated that she has been a member of the City School Board since 2005 and during that time she has served as Chairperson and Vice-Chairperson. She also stated that she works at Southside Virginia Community College as the Director of Counseling and has been there for 15 years. She further stated that she was passionate about the community and students. She stated that she keep up with the trends in higher education.

*Ms. Marva Dunn, 272 Astrio Street*, addressed Council stating that she would like to be reconsidered as a candidate for the Greenville County School Board. She stated that she was currently serving on the Greenville County School Board. She also stated that since her appointment to the board, she attended the yearly workshop for the board. She further stated that she recently met with teachers who are working to implement programs to help at-risk students. She stated that she was asked to help because of her experience in starting programs for at-risk kids and bringing them to the level of other students. She also stated that she has experience working with the superintendent in the Lynchburg school system as a liaison between inner city and low income at-risk kids and the school board.

Councilman Harris nominated Marva Dunn for the Greenville County School Board.

Councilman Ewing nominated Bernadette Battle for the Greenville County School Board.

Mayor Person stated that a formal appointment would be made no earlier than seven (7) days after the public hearing.

With there being no further comments to come before City Council, Mayor Person declared the second public hearing closed and proceeded to the third public hearing.

## **3. Paid Time Off (PTO) Policy**

Mr. Thrower stated that the major reason for doing this is as following:

- The State of Virginia mandated localities to cover all new full-time employees, excluding hazardous duty employees (police and fire), commencing employment on or after January 1, 2014 under short and long term disability programs. Existing employees hired before January 1, 2014 are not currently covered under these programs.

- This proposal covers all new and existing full-time City employees, including police and fire, under short and long term disability programs, i.e. increased level of benefits for all City employees and a more equitable benefit plan.
- Covers all full-time employees under the same benefit programs instead of having two different programs for two different groups of employees.
- Curbs the abuse of sick leave and unplanned absences to generate higher productivity.
- Rewards employees who do not abuse sick leave given the fact that employees will be accruing two additional hours per pay period, as compared to the current annual leave accrual rate.
- Employees will be covered under short and long term disability programs which reduce the need for sick leave.

Mr. Thrower stated that following about sick leave:

- Effective January 1, 2015 sick leave shall not be accrued.
- Employees may elect to be paid out all or a portion of sick leave accrued as of December 31, 2014 at a rate of 25% with no cap. Payout based on hourly rate as of December 31, 2014. Payouts will occur in January 2015.
- Employee may elect to “bank” all or a portion of sick leave accrued as of December 31, 2014. This leave may only be used according to the existing sick leave guidelines, i.e. personal and family illness and injury, doctor’s note are required, employees subject to disciplinary action if they misrepresent the need to use sick leave, etc. Leave may also be used to fill disability coverage gaps. Payout will be based on hourly rate at time of separation from City employment.
- Employees may elect to convert up to 96 hours (12 days) of sick leave accrued as of December 31, 2014 to PTO subject to the maximum accruals provided in the PTO table. Employees may elect to convert up to 96 hours (12 days) of banked sick leave to PTO on an annual basis subject to the maximum accruals provided in the table.

Mr. Thrower stated the following about Paid Time Off:

- Employees will accrue two additional hours per pay period (48 hours/9 days additional per year), as compared to annual leave.
- Employees will be allowed to carryover an additional 96 hours (12 days) per calendar year, as compared to annual leave.
- Maximum payouts upon separation from employment will increase as follows, as compared to annual leave:
  - Under 5 years – 96 additional hours/12 days
  - 5-9 years – 96 additional hours/12 days
  - 10-14 years – 96 additional hours/12 days
  - 15-19 years – 144 additional hours/18 days
  - 20-24 years – 144 additional hours/18 days
  - 25 years or more – 192 additional hours/24 days
- PTO will be classified as “scheduled” or unscheduled.”
  - “Scheduled” leave shall be submitted to the supervisor in advance and shall be permitted at the discretion of the supervisor based on operational needs.
  - “Unscheduled” PTO will be used in the event the employee is unable to work due to unforeseen personal/family illness/injury or for other unforeseen

reasons. If an employee is unable to report to work for any reason, he/she shall notify his/her supervisor prior to the beginning of his/her shift. Employees may be required to furnish medical verification or other proof that unscheduled use of PTO was unavoidable to his/her supervisor. Excessive use/abuse of unscheduled PTO by an employee may subject the employee to disciplinary action.

Mr. Thrower recommended the following options to Council:

1. Approve the plan as previously outlined.
2. Approve the plan as previously outlined with some amendments, i.e. increase accrual rates to supplement the net loss of three hours of sick leave, increase maximum carryovers, increase maximum payouts, and/or increase the sick leave payout percentage from 25% with no cap to 50%, 75%, or 100% with no cap.
3. Give employees hired prior to January 1, 2014 the option of “opting into” the new plan. Those employees hired January 1, 2014 and after would be required to participate in the new plan.
4. Take no action at this time and continue the current inequitable system of new employees receiving a higher level of benefits than current employees, i.e. receiving disability coverage while still accruing sick leave at the same rate as existing employees. Should you take no action at this time, the City will need to amend its leave plan at some point in the future.

He recommended that Council provide direction to City Administration regarding the aforementioned options. He also stated that should Council direct City Administration to move forward with options 1, 2, or 3 he will amend the various leave policies and bring them back for consideration. He further stated that if Council wishes to hold a special meeting the week of December 8, 2014 in order to further consider this item so that any changes to current policy can be implemented prior to January 1, 2015 and communicated to employees in a timely manner.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

***Frank Mainwaring, of 3018 Dry Bread Road Street, Emporia, Virginia*** stated that he had work for the City of Emporia for over 20 years. He stated that the new PTO policy depersonalizes city employee when they are at their worst by asking them to call the insurance to file the claim. He also stated that under the new PTO program that if the insurance company deny your claim, then what would happen. He further stated that another concern was that the sick time accrued now can be used to take care of family members but with the new PTO policy you cannot.

***Lisa Council, of 277 Moonlight Road, Emporia, Virginia,*** stated that she has been an employee of the City for 19 years. She also that she has three concerns about the new PTO program. She further stated that her first concern was there it is not a liaison between the employees and Lincoln Financial Group. She advised that her second concern is that pre-existing condition will not be covered the first 12 months. She also advised that her third concern is that how can this be a moral boaster if new employees hired are receiving a higher level of benefits than current employees. She further questioned that why this change wasn't implemented prior to the end of the year. She stated that if the City had a Human-Resource person would this chaos been prevented from happening.

**John Romano, of 310 Budd Street, Emporia, Virginia** stated that he is concerned with the loss of the six hours of sick time with the new PTO policy. He also stated that you cannot treat everyone the same, but you can treat them fairly.

**Jerry Wright, of 310 Budd Street, Emporia, Virginia** stated that he has been an employee of the City since 2003. He stated that his concern was that short-term and long-term disability does not provide time off if you are off providing care for a family member.

**Stan Allen, of 310 Budd Street, Emporia, Virginia** stated that he has worked for the City of Emporia for over 25 years. He also stated that his concern was that he be allowed to finish somewhat similar to how he started. He further stated that he would like the option to choose this or to keep the old policy.

**Randy Pearce, of 201 S Main Street, Emporia, Virginia** stated that he has been an employee of the City since 2005. He also stated that his wife Debbie Pearce was also in attendance tonight, and that she worked for the Human Resources office for Department of Corrections and also faced a similar change at her workplace. He further stated that there are pros and cons of the new policy.

**Debbie Pearce, Emporia, Virginia** stated that she has been with the Department of Corrections for 25 years. She also stated that the Department of Corrections had faced a similar change in the workplace. She further stated that what the Department of Corrections did to benefit the employee was to give them the option to “opting into” the new policy.

With there being no further more comments to come before City Council, Mayor Person declared the public hearing closed.

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Mary L. Person, Mayor

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Tessie S. Wilkins, City Clerk



**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
December 2, 2014**

*Note to Reader: Although the printed agenda document for this City Council meeting is not part of these minutes, the agenda document provides background information on the items discussed by City Council during the meeting. A copy of the agenda document for this meeting may be obtained by contacting the Office of the City Clerk.*

Emporia City Council held a regular meeting on Tuesday, December 2, 2014 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Bishop Vincent Lowery offering the invocation.

**ROLL CALL**

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James E. Ewing, III  
Councilwoman Carolyn S. Carey  
Councilwoman Doris T. White  
Councilwoman L. Dale Temple  
Councilwoman Carol Mercer  
Councilwoman Deborah D. Lynch

Others present:

Mary L. Person, Mayor  
C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manager  
Dr. Edwin C. Daley, Assistant Manager  
Tessie S. Wilkins, City Clerk  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue

Absent:

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, November 18, 2014, City Council Public Hearing and Regular meeting minutes as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye

Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

## **AGENDA APPROVAL**

Councilwoman Temple moved to approve the agenda as presented, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

## **UNFINISHED BUSINESS**

### ***14-80. Farmers Market Advisory Board Expirations – Honorable Doris White/Mike Allen***

Mayor Person stated that on November 30, 2014 the four-year term of Council Member Doris White on the City's Farmers Market Advisory Board would expire. She also stated that Councilwoman White stated that she does not wish to be considered for reappointment.

Councilman Ewing nominated David Webb for the Farmers Market Advisory Board.

Councilman Ewing made a motion to appoint David Webb to serve a four years term on the Farmers Market Advisory Board, seconded by Councilman Harris, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

## **NEW BUSINESS**

### ***14-84. Paid Time Off (PTO) Policy***

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Mr. Thrower recommended the following options to Council:

1. Approve the plan as previously outlined.
2. Approve the plan as previously outlined with some amendments, i.e. increase accrual rates to supplement the net loss of three hours of sick leave, increase

- maximum carryovers, increase maximum payouts, and/or increase the sick leave payout percentage from 25% with no cap to 50%, 75%, or 100% with no cap.
3. Give employees hired prior to January 1, 2014 the option of “opting into” the new plan. Those employees hired January 1, 2014 and after would be required to participate in the new plan.
  4. Take no action at this time and continue the current inequitable system of new employees receiving a higher level of benefits than current employees, i.e. receiving disability coverage while still accruing sick leave at the same rate as existing employees. Should you take no action this time, the City will need to amend its leave plan at some point in the future.

Councilman Harris inquired if there was a cash cap? Shelia Cutrell stated that the cash cap was \$15,000.00 per month.

Councilman Harris inquired about the pre-existing condition. Shelia Cutrell stated that employees may not be eligible for benefits if they received treatment for a condition within three months prior to the effective date of this policy until you have been covered under the policy for 12 months.

Councilman Harris stated that one of his concerns was from the International City/County Management Association Article which stated that the organizations that have instituted the PTO programs saw improved morale as a benefit. He stated that he thinks the City will see the opposite of this.

Councilman Harris made a motion to approve option 3 to give the employees hired prior to January 1, 2014 the option of “opting into” the new plan, and those employees hired January 1, 2014 and after would be required to participate in the new plan, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

## **PUBLIC COMMENT**

Mayor Person asked if anyone wished to bring a matter before City Council members adhering to the three-minute time limitation.

*Ms. Marva Dunn, 272 Astrio Street*, addressed Council stating that she appreciates Council taking the time to listen to the employees whom it effected.

With there being no comments to come before City Council, Mayor Person closed the public comment portion of the meeting.

**\*\*\*CLOSED SESSION\*\*\***

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (7) **Legal matter requiring the advice of counsel pertaining to Comprehensive Services Act Funding**, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

**\*\*\*Regular Session\*\*\***

Councilwoman White moved that the meeting be returned to Regular Session. Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

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**CERTIFICATION**

Councilwoman White moved to certify the following:

1. only public business matters are lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matter as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

Councilman Ewing made the motion to authorize the Mayor and/or City Manager to execute the Comprehensive Services Act agreement subject to Greenville County agreeing to the amendments discussed, Councilwoman Temple seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	abstained
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman L. Dale Temple	aye
Councilwoman Carolyn S. Carey	aye

## **ADJOURNMENT**

With no further business to come before City Council, Mayor Person adjourned the meeting.

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Mary L. Person, Mayor

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Tessie S. Wilkins, City Clerk