

**MINUTES
PERSONNEL COMMITTEE MEETING
SOUTH CENTRAL TRANSIT
THURSDAY, NOVEMBER 8, 2018
11:00 AM
SCT TRANSPORTATION CENTER
100 N. LOCUST STREET
CENTRALIA, IL 62801**

Present:
David Iossi
Margaret Conley
Pam Boyd
Don Jones
George Guidish
Ed Smalley

Also Present:
Sheila Niederhofer
Sara Nollman Hodge
Vicki Clift
Randy Barrow
Pam DeMaris
James Biggs
Alonda Gilbeau
Christi Vetri
Leroy Niederhofer
Megan Vandever
John Schubert
Alan Nollman
Cindy Holmes
Marvin Miller
Ben Stratemeyer
Melissa Wilkinson (Breese Journal)

The Personnel Committee meeting was called to order by Pam Boyd.

GUEST RECOGNITION/PUBLIC COMMENT - James Biggs, Alonda Gilbeau, Christi Vetri, Leroy Niederhofer, Alan Nollman, Melissa Wilkinson-Breese Journal.

PERSONNEL

Final Draft of Harassment and Discrimination Investigation – Guidish asked to add for the record a FOIA response letter Guidish got from Barbara Smith, Chief Legal Counsel of IDOT. Guidish had copies for the committee. Boyd asked Marvin Miller,

Legal Counsel, about the final draft of the harassment and discrimination investigation, “Marvin, are you aware of last week’s minutes and what all went on?”, Miller stated that he was aware. In reference to the options presented by Guidish at last week’s Special Personnel Meeting, Boyd asked Miller “have you participated or suggested these options? Did these come from legal counsel or a work effort of?” Miller stated that he was not involved in the options presented. Boyd asked Guidish if he would like to discuss his final draft. Guidish stated what he recommends to this body is, the eight questions that we asked, that those be submitted as a part of the draft that we give to IDOT, each question was asked and answered in the negative, and that just be added purely as it existed on paper and as simply as the questions were answered. That be presented to the body next week to be involved in the letter that goes to IDOT. Niederhofer said that the final statement on the investigation was requested and was put in everyone’s packet. Nollman-Hodge stated that they were directed to come up with a final statement of their findings. Guidish said he liked the letter, but no one attached ownership to it. He stated if we are talking about the funding of this district being completely dismantled and the district closed at this point, they are going to have to have somebody put their name to this. Boyd ask if some one put their name to the options that Guidish gave to them. Guidish stated for the minutes that Guidish presented the options and when the minutes are reviewed and approved, they become so. Guidish stated he does not have to sign that because it will become a part of the minutes that at some point may be approved. Guidish stated that the minutes are in limbo because to his Knowledge those minutes have been disseminated to the public without being reviewed and approved, so now they are in the course of legal action we will have to wait for the attorney general to give an opinion on them, they may not even be able to be used at this point. Somebody sent them out of this room without review, without approval, and probably against the law. Boyd asked for a motion to accept the HR report, Guidish said someone has to take ownership to it and it can’t be accepted until someone takes ownership to it. Nollman-Hodge said it was a final draft that came from Vandever and herself, they were directed to, she believed it was a statement on his (Guidish) behalf, it was requested from her and Vandever. Guidish said he took ownership of the eight questions he asked, and the three recommendations that he suggested. Nollman-Hodge said her and Vandever will take ownership of the letter and offered to read it. Boyd said yes, she would like for it to be read for everyone.

Nollman-Hodge read:

South Central Transit has always been committed to hiring the most qualified candidates for the organization.

SCT’s EEO Policy statement states south Central Illinois Mass Transit District (SCT) management and staff pledge their continued support to the Federal Transit

Administrations (FTA) program on equal employment opportunity affecting employment practices, to include recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions set forth under the requirements of Circular 4704.1: approved on July 26, 1988.

SCT management is firmly committed to a policy of equal employment opportunity and will administer its personnel policies and conduct its employment practices in a manner that results in treatment based on merit, experience and other work-related criteria, without regard to race, color, creed, religion, sex, national origin, ag, disability or any other protected characteristic under relevant state and federal laws.

Human Resources abides by all SCT policies during the firing process to ensure all applicable laws are followed.

SCT is confident in our hiring process. To the best of our abilities we strive to hire the most qualified candidate for employment. SCT and Human Resources takes Equal Employment Opportunity practices very seriously and we have never made any hiring decisions based on race, color, creed, religion, sex, national origin, age, disability or any other protected characteristic under state and federal laws.

Human Resource Director conducted an internal investigation. She met with SCT supervisors, assistant supervisors and staff members to discuss SCT's policies regarding discrimination in the workplace. Complaint procedures and chain of command when handling employee issues was also discussed.

Staff present were asked if they had received any complaints from employees that had not been reported to the HR department. All staff reported they have not received any harassment or discrimination complaints and if they did, they know to report it immediately to HR.

All staff present said they feel they have a great and open working relationship with HR and upper management. Staff feels comfortable reporting any issues to HR or management.

Within the past 2 years SCT has not been made aware of any internal harassment or discrimination complaints. HR nor management has the ability to control personnel or outside sources from filing a direct complaint to IDOT.

Boyd asked for any questions, no questions. Boyd asked for a motion to accept now that there are authors. Motion by Jones, seconded by Conley to recommend to the Full Board.

Boyd stated that before they begin on the Human Resources Position, her concern is that they are discussing replacing people that we have no proof that they have not been doing their job, and now she has letters from, Iossi interrupted and ask if they could send this to the full board for approval and Boyd stated she asked for that last week, it was best to have it at the Personnel Meeting first and then go to the Full Board. Iossi said they need to mention that it will go to the full Board. Boyd stated it would. Boyd asked if they needed to have executive session to ask about legal standings. Miller stated if you discuss it in open session you lose your attorney/client privileges and that it was her call. He said he has attorney/client privileges with the board. Attorney/client privilege if waived if it is done in open session. Boyd ask for a motion to go into executive session. Guidish stated he thought it was unnecessary. Boyd ask if there was a motion to go into executive session. No response.

Boyd stated they are discussing people's jobs that have no proof of wrong doing, and she has letters that are mentioning harassment and possible hostile work environment, and discrimination and if they keep going on the path they are going on now, if they are, then they are placed in a legal position that is going to be unpleasant. Guidish called for point of order, Boyd said she was asking a question, Guidish ask for point of order, Boyd ask Miller to finish please. Miller stated anything is subject to litigation, if you are considering firing somebody, yes, there is a likelihood that you could be sued for wrongful termination. Guidish stated that given the light of admission given in the letter and that someone has taken ownership of this letter, and at direction they did this, Guidish knows for a fact that the Human Resources Director does not do anything without direction from somebody above, he doesn't feel at this time that that job is in jeopardy, that they have not done anything wrong. It can be stricken from the record, that the HR person acts under the direction of someone directly above them. Boyd asked if he wanted it removed from the agenda, Guidish stated that he thinks it is safe to say that there will be no course of action taken against any body in the Human Resources department, because they are doing their job and acted in accordance with their job description. Boyd asked for a motion, motion by Guidish, seconded by Iossi.

Management

Guidish referred to the FOIA request stating that they have denied the FOIA request because, somebody may receive an unfair perceived unfair trial or hearing and that tells Guidish that someone in the company had to send the letter to IDOT, because he simply

asked for a copy of the letter about how this information came to light, how did the information that alleges that Marion County is in violation of an act, that one of the Board members is in violation of an act and that there is alleged perceived or real harassment or discrimination, somebody sent that letter. He simply asked for a copy of the allegations so that they could investigate. It is cited in the FOIA request that it was denied for that reason which tells Guidish that it is an employee and all somebody has to do is come clean. Guidish asked who wrote the letter and brought it forward, and why are they sitting there with the chance that the funding for the entire district just goes belly up and gets pulled because of a political stunt. Boyd stated it was not a political stunt. She stated that she doesn't think that what they are dealing with right now is a political stunt. She thinks they have four letters from individuals that work at SCT that they feel that they have had their positions threatened with no cause because Guidish didn't know who wrote the letter. Guidish did not get to have a copy to read makes them guilty, does not prove guilt. Guidish said he stated last week that one of two things have happened, it is completely politically motivated, or somebody has suppressed a real harassment discrimination complaint, if a complaint was suppressed then whoever took that initial complaint has to be dismissed and that is a true fact, and anyone will back us up. Guidish states that he has not accused anyone of suppressing complaints, but the fact is someone wrote a letter to IDOT alleging, accusing board members and jeopardizing funding of the district. The board members who are appointed by the county board have the right to know. Boyd asked if Guidish had seen the latest letter from IDOT. Guidish stated he has it and referred to page 2, second paragraph, of the letter from Joann Fehn, Chief Legal Counsel. In reference of complaints and a grievance against Chair Guidish, Marion County Board Member and some Board, the grievance alleges inappropriate behavior by members of the SCT Board against SCT Executive and SCT staff including but not limited to harassment, threats started in 2017. Guidish stated if the threats started in 2017, how did the attorney that wrote the grievance know that and how did IDOT obtain that information, that has never been brought to this body. Boyd stated we did an investigation, and no one came forward, no one said I brought a concern about harassment or discrimination to them and they suppressed it. If that had happened, we would have given that person every opportunity to come forward and say, this is what happened. Guidish agreed. Boyd stated trying to make them the scapegoat when you don't know who to blame is not acceptable. Smalley said IDOT was asking for almost immediate gratification in their request and at the point and time that that happened, what other choice did we have. They wanted it now. Boyd said they also ask that the number of board members from Marion County be dealt with immediately, we haven't done that yet either. Guidish said he thought we were still on harassment and discrimination. Boyd said its nice you get to pick what you want to deal with, there are three issues and Guidish has made it clear that we do this one without addressing the other one, she thinks

if they are going to put these people through this misery, they need to know there are other things being done to meet this request. Boyd ask Guidish what has been done about the number of representatives from Marion County. Guidish stated the Marion County Board's position as of right now is that Marion County created the district, the other counties were annexed in at a later date. Marion County will not do anything different than what it is doing right now. Marion County is prepared to go to court to file an injunction to stop the pulling of funding because Marion county created the district. On behalf of Chairman Irwin Hahn, the other counties freely came into the district, you can freely leave. Marion County created it. Boyd said her county is looking to leave it. Guidish said they followed the statute, he is the Marion County appointee. They are the current representatives of it. Part of their submission to IDOT is the history of the forming of SCT by Marion County. Boyd referred to the 2nd IDOT letter in reference to extending the date.

Item 1: Pursuant to Illinois law, which was provided in the McCluskey Letter, the Board should not have 11 members, with Marion county having 5 majority members. Instead the makeup should be 7 total Board members: one from each County and an additional member from the County with the highest ridership, which would be Clinton County based on the ridership numbers provided in the McCluskey Letter. If this is accurate, then the Board make up must be adjusted to comply with the law. It should not take to January 31, 2019 to address this item, nevertheless, IDOT is willing to extend SCT response to Item `1 to December 3, 2018.

Item 2: You noted in our call that there is an attorney opinion letter from a State's Attorney that addresses this item. I would request that you share that letter with me at your very earliest to enable IDOT's review. Given this, it should not take to January 31, 2019 to address this item. IDOT is willing to extend SCT response to Item 2 to December 3, 2018.

Boyd stated that in the letter the Harassment issue was not listed as number 1. The number of Marion County representatives was listed as number one, just as it was in the previous letter. Boyd doesn't think that that issue is a minor thing compared to the harassment issue. As a point of order, Guidish stated he was following the agenda that he was given, he recommended those items be placed on there, any of the other board members including Boyd could have added that as the number one issue. Boyd stated that to IDOT that is the number one issue and a lot of time is being wasted dealing with number 3 and ignoring number one. Guidish said they are not ignoring anything, Boyd ask if anything was being done and Guidish said nothing is going to be done. Nothing is

going to change. Boyd asked why Guidish is ignoring the most important issue IDOT gave them to address. Guidish said he was a member of the body, not the chair. Again, Boyd ask, what have we done to address the number one issue listed by IDOT? Guidish stated he thought Boyd was out of order. Iossi ask why that is more important than the harassment, Boyd said because it was listed first. Guidish stated he has given Marion County's response. Stratemeyer, not a member of the Personnel Committee, ask if that was something that we could get in writing from Marion County? Guidish stated they haven't met yet, but they do have a meeting with Bill Milner and Irwin Hahn again, and the state attorney will be with them tomorrow at 3:30. Schubert, Finance Committee, stated we should have something in writing from the Marion County Board as to the action that they plan to take. Iossi asked if this could be tabled until we get this meeting? Marion County Board meets next Tuesday. Guidish then ask Boyd that the Marion County board members appointed by the county board to this seat, now they need a letter from the state's attorney, what he said to the record has no weight, no bearing? Iossi finds it interesting that since 1992 this board has had 5 Marion county members and then now when we have 5 republicans from Marion County. Iossi said Boyd had been a member of the Board for several years, Boyd stated that in all of those years, she has never sat in on meetings like the past year. Iossi stated they are trying to get things done. Boyd doesn't have a problem with getting things done, it's the way they are trying to get things done. Iossi said to explain. Boyd said last weeks meeting would be a good example. Never in all her years did anyone walk in and say, this is what you are going to ask, and you don't ask anything else. Iossi said it was not approached that way. It was passed around and read. Boyd said she was given eight questions and told to ask only those eight questions. Guidish said although it was in Executive Session, if we keep the scope of the investigation narrow and stick to the questions that are pertinent, then it is not a witch hunt and we are not coming after anyone. Boyd said she would acknowledge the witch hunt, did Guidish not tell her, these are the questions. Guidish said he presented to her a list of questions, the committee accepted those questions. Iossi said no one was accused of anything, the questions were used as an example, Boyd said she thinks they were at two separate meetings. Guidish ask Trustee Smalley if he said could you please just answer yes or no. Smalley said he didn't need anyone to speak for him, whenever the time comes, he is going to speak for himself so whenever they are at that point to let him know. Smalley said he didn't think there was anything wrong with asking for a yes or no answer. Boyd said she felt we were restricting her answers. Guidish said the parameters were set in executive session. Boyd said the next point was management, and because she is having difficulty understanding what Guidish is saying, she will let him do it again. Guidish moved that they move the management section to Executive Session at the Full Board meeting. All aye. Boyd stated they were in Executive session. Guidish said he stated at the full board meeting. Boyd commented that that means they

are not going to discuss today. Guidish said no. Jones said he was having trouble understanding. Guidish stated that he moved that management be moved to the full board meeting in executive session next week. All aye. Motion carried. Boyd said it would be moved to next week. Niederhofer asked if she could ask who Guidish is including in management. No answer. Boyd asked the question. Guidish stated he would say the Managing Director, the Assistant Managing Director and the Director of Operations. Guidish said that was a recommendation, that is what he suggests.

Harassment and Discrimination Policy

Guidish stated he reviewed the Harassment and Discrimination Policy that was provided, and it is in compliance with IDOT and the grant, compliant with the Department Rights, and he has no issue with it. Guidish stated that he ask some questions of some employees randomly, do they have a copy of it and he got two different answers. One person said no, and one person said yes. His understanding is that it is a part of the handbook for employees. Nollman-Hodge said that employees get a copy of all of the policies at orientation. Guidish ask if the Harassment and Discrimination Policy is kept in a binder in every office and Nollman-Hodge answered yes. Guidish stated he recommends that they report to IDOT that they have reviewed the Harassment and Discrimination Policy and it is in compliance and is readily available for all employees in the district. Iossi stated he will second that motion. All aye.

Boyd stated before they move on, she wants it understood that she has three grievances filed by Nollman Hodge, Clift and Vandever and she wants to make sure everyone is aware of them and she would like to read them into the minutes so that they may be shared. Guidish stated that would be inappropriate, if a grievance is filed, it has to be in executive session, and those employees are At Will employees and they don't have a right to grieve anything. On behalf of this district, they do not have a right to file a grievance they are At Will employees, they do not have a written contract. Boyd said to Miller, Legal Counsel, she was under the impression that employees who feel that they are being harassed or discriminated against had the right to file a grievance. Miller said if they have a discrimination issue, they can file a grievance. Boyd said since they are discussing harassment and discrimination this needs to be part of the discussion. She stated she was willing to go into executive session to discuss. Guidish moved that they add this to the executive session that comes under personnel issues for next week. Boyd said she wants everyone sitting at the table to know they have them and it is about discrimination and harassment. Guidish asked who received them. Boyd stated she did. Niederhofer said she received them and gave them to Boyd as the Personnel Chairman of

this committee. Jones asked if they would be part of the minutes and Boyd said she was trying to make them. Guidish said they can't be part of the minutes they have to be done in executive session. That is his recommendation but if they want to do them publicly that is fine. Jones moved that as part of the personnel committee that they accept the letters and put them in the packets so that everyone can read them in time for discussion next Thursday. Seconded by Conley. Aye by Conley and Jones, nay by Guidish, Smalley and Iossi. Boyd said she would bring them to the meeting next week for discussion.

Marion County Board Member Term Expiration Dates

Guidish said he had a meeting with Marion County Board Chair Irwin Hahn last Friday and he agreed that when the expirations come about, the first three on November 1, 2019, Smalley, Stratemeyer and Iossi, he will reappoint or appoint new members and one will have a one year term, one will have a two year term and one will have a three year term, to bring that in compliance with the statute. Jones and Guidish both have April 2021 and at that time they will be one at one-year term and one at a two-year term. They will be staggered. Boyd said that not only are we not reducing the numbers, we are setting it up so they rotate their expiration dates. Guidish said both issues compliant with statute.

Public Aid

Niederhofer reported receiving \$2381.00 since last month.

PCOM

Niederhofer included the report in the packets for review and ask for any questions.

Boyd recapped, they are going to deal with the issues that were on the agenda for this week, next week at the full board meeting, correct. Iossi stated in executive session.

Niederhofer wanted clarification of items to be put on agenda. Boyd suggested response to IDOT, also Personnel matters, she ask if they will have the letters from the states attorney to view next week and they will be available to everyone. Guidish said yes and the other issue that was skipped over concerning the trustee from Jefferson County, Guidish has packets for everyone that has two letters, one from the township supervisor of Grand Prairie Township and the other from the County Board Chair. Copeland is still waiting for a response from the state attorney. Copeland agreed. Boyd asked if we would have a response by December 3, and Guidish said yes, Boyd asked about the response from the States attorney and Guidish said no, he has been slow to respond.

Marion County Representation and Jefferson County Representation will be added to the Board agenda.

Adjourn

Motion to adjourn by Iossi, seconded by Jones. All aye. Motion carried.