

HOMER TOWNSHIP
Executive Session Meeting Minutes

STATE OF ILLINOIS
Will County, ss.
Town of Homer,

EXECUTIVE SESSION
BOARD MEETING
JANUARY 14th 2019

DRAFT PRESENTED TO THE BOARD APRIL 8TH 2019

THE BOARD OF TOWN TRUSTEES met at the Old Town Hall 16057 Cedar Rd. Lockport, Illinois 60491 on January 14th, 2019.

PRESENT: **Supervisor Meyers**
 Trustee Fijan
 Trustee Kalas
 Trustee Kruczek
 Trustee Offord

ALSO PRESENT: Attorney Sramek, Highway Commissioner Mike DeVivo and Assessor Karen Szykowski.

The Executive Session began at 8:00 PM and ended at 8:45 PM

The Executive Session began at 8:00 PM.

Supervisor Meyers stated the reason for the Executive session was to discuss developments with the Homer Township Clerk Linsey Sowa.

According to Clerk Sowa she has a medical condition that is rendering her incapable of performing her duties as Clerk. Initial contact to Supervisor Meyers was made on January 8th to inform her that she wouldn't be into work. This contact was not made through the appropriate channels and Supervisor Meyers informed her that any contact pertaining to Township Work should be addressed through Township channels. At that time, Sowa also requested the paperwork from the Township to formalize a part-time disability. Supervisor Meyers was unclear as to Clerk Sowa's request and asked for clarification and her intentions towards work. Clerk Sowa responded, *"I need some time off from work to attend medical treatment. I know that the Township does not fall under FMLA because we do not have 50 or more employees so I'm wondering what options I have from the Township. Do we have nothing equivalent to the concept of FMLA, short term disability from IMRF. I can get certification of this need for time off if necessary. I need to know the options available and will need to remain insured to receive the care I need. My limited understanding of IMRF temporary disability program is that I could continue insurance. Please advise."*

Supervisor Meyers stated she responded to Clerk Sowa and that she had not received anything in regard to her condition.

Trustee Kalas inquired as to if Clerk Sowa has seen a doctor to date in which Supervisor Meyers did not know. Meyers stated that she really doesn't know the entire scope of Clerk Sowa's condition. That there is a difference between working with employees versus that of working with an elected official. The booklet from IMRF was provided to Clerk Sowa. Supervisor Meyers pointed out a section from the booklet that indicated in order to be eligible for disability the elected official would need to resign. Supervisor Meyers stated what she needs to know from Clerk Sowa is if or if not, she can work. If she is able to work how much can she work.

Trustee Kruczek stated the responsibility of Clerk Sowa's condition is her responsibility and that Supervisor Meyers assistance is different because Clerk Sowa is an elected official (not an employee). Supervisor Meyers stated the IMRF standards for disability for an elected official versus an employee appear to be different.

Attorney Sramek stated that involvement of the Township is based on the disruption it has caused to the Township as a whole as well as the functionality of the Township. The bottom line is if in fact there is a medical disability be it temporary or permanent the first step is to have a medical opinion setting forth the disability and then application to the IMRF. Attorney Sramek believes that based on her correspondence with the Township, she appears a little coy about taking that first step however it is a necessary step. Attorney Sramek stressed from the Township's view they need someone to perform the Clerks duties, and they need to know so that they may appoint a Deputy Clerk. Clerk Sowa has indicated that she would like Mary Pat Degrassi to serve this position if she is willing and that would be the simplest solution.

Trustee Kalas inquired as to if Mary Pat Degrassi accepted this position would she benefit from receiving some of Clerk Sowa's salary.

Attorney Sramek stated that no additional salary would go to Mary Pat other than what she is currently compensated if she performed services as a Deputy Clerk.

Supervisor Meyers stated that Mary Pat's presence this evening was simply to assist the Township in running the meeting and will be compensated as an employee of the Township according to her regular salary. That should Mary Pat accept the position of Deputy Clerk, first the Board would need to vote on the necessity of the position and authorize it. Clerk Sowa would then have to be very clear as to the responsibilities of the Deputy Clerk. Supervisor Meyers quoted from the TOI Handbook, "The Deputy Clerk may exercise powers authorized only in the absence of the Township Clerk and only when the Clerk has directed the Deputy Clerk in writing to exercise the power or the Township Board has determined by resolution that the Township Clerk is temporarily or permanently incapacitated to perform the function".

Trustee Kruczek stated that he would think that the position of Deputy Clerk would be to perform the Clerks duties when the Clerk is unable.

Attorney Sramek stated that the position of Deputy Clerk is dependent on the authorization which can be general (meaning able to perform all duties in her absence) or limited meaning (defined responsibilities as prescribed by the Clerk). The procedure for this Board would be to authorize the position of Deputy Clerk and then have the Clerk give authorization.

Supervisor Meyers stated that she has attempted to ask Clerk Sowa questions but has not received responses. That at one-point Clerk Sowa's mother and significant other came into the Township office to speak with Supervisor Meyers and Meyers informed them that she cannot discuss matters with them without some sort of an authorization from Sowa due to various privacy laws.

Trustee Offord questioned as to whether or not there are any labor laws in relation to employee/employer and is guessing that they don't apply here. That in regard to the attendance issue/ participation are there any statutes or precedence that set forth a guideline for lack of participation? Trustee Kruczek asked if five unexcused absences warrant any action. Attorney Sramek noted that it is a difficult situation because she is an elected official and failure to attend is a touchy issue.

Supervisor Meyers stated that she was informed that Clerk Sowa would not be here this evening and she is documenting the Clerk's absences in an effort to protect the Township. That certain functions are not being performed as the result of her absence. She believes that as elected official or employee you have a certain level of latitude for medical conditions. That because she has been provided no details from Clerk Sowa it is difficult to know how to proceed.

Attorney Sramek stated that if there is a determination of disability, she can either direct a replacement or a resolution can be made but because of the lack of information concerning Clerk Sowa's current condition it is difficult to proceed.

Supervisor Meyers stressed the need for clarification from Clerk Sowa. That she cannot give direction to Clerk Sowa and cannot discuss her particular situation with family members. That what she needs to know is Clerk Sowa's intent in regard to her position.

Trustee Fijan stated you have asked Clerk Sowa for clarification and wanted to know how long do you have to wait before a decision can be made? Trustee Kalas inquired as to whether or not you can give Clerk Sowa a deadline in regard to clarification in an effort to allow the Township to move forward. Trustee Kruczek stated that he does not think it is possible to demand a response for clarification from an elected official. That questioned if the State Board can assist in this matter.

Supervisor Meyers stated there are certain things that are statutorily required by the Clerk and that there are certain things that Clerk Sowa does in excess of the required responsibilities. That she as Supervisor is uncomfortable performing duties that are required by the Clerk such as providing to the County early voting hours which requires the Clerks signature. These are the issues that create a difficult situation. That it is her hope that Clerk Sowa would provide some direction and clarification in regard to her capabilities and limitations at this time and that the Township would make every effort to assist her where able.

Attorney Sramek suggests talking to Mary Pat Degrassi in regard to the possibility of her taking the position of Deputy Clerk. Supervisor Meyers voiced concern over this knowing Mary Pat's current responsibilities and is unsure if she can ask her to perform additional work given her current work load. Trustee Fijan stated it would be unrealistic to expect Mary Pat to perform two jobs in an 8-hour day.

Supervisor Meyers stated up until December Clerk Sowa has still met her requirements but wanted to bring her concerns to the Board. She stated that while she could hire another employee to aid in general office duties allowing Mary Pat to assist as Clerk, this however would take time to train these individuals properly and could prove difficult. The final decision however should she be asked to become Deputy Clerk is solely at the discretion of Mary Pat.

Karen Szykowski asked "How can Mary Pat take over when there is nothing in writing right now?" She also cited an example of a past employee who failed to provide necessary documentation for disability and the ramifications of these actions.

Attorney Sramek stated a resolution is indicated for the position of Deputy Clerk whether or not that be Mary Pat or another individual. He stated that something needs to be done.

Supervisor Meyers feels she has little information to confirm whether or not she is or is not incapacitated or has a disability. She stated she sent Clerk Sowa a letter citing six specific questions in regard to required work that needed completion. One question specifically was whether or not Clerk Sowa had filed the abatement. Judy (Clerk Sowa's mother) came to the office with pages of written information claiming to possess the answers for Supervisor Meyers, on behalf of Clerk Sowa. Meyers asked if the written answers from Sowa could be given to the Township and Judy said "No, she could not provide them, they were just notes". Supervisor Meyers did receive the original tax abatement document from Judy (earlier Meyers had confirmed with the county that they had not received it for proper filing). Supervisor Meyers informed Judy and Joe that she could not speak with them about official Township business or regarding Clerk Sowa's personal issues without some sort of official authorization.

Attorney Sramek recommended a resolution to be passed naming Mary Pat as Deputy Clerk presuming Mary Pat agrees to this position.

Supervisor Meyers is concerned not knowing Clerk Sowa's circumstances or long term prognosis. Trustee Fijan voiced his concern as to what other things are not being done. Supervisor Meyers stated that the County has made the Township aware of several other things that have not been completed. Unfortunately she does not have access to Clerk Sowa's email and while she is aware of the many obligations of the Clerk, Meyers does not have access to or knowledge of everything that is not being addressed.

Trustee Fijan questioned are there things the Deputy Clerk cannot do.

Trustee Kalas stressed the need to know a time frame from Clerk Sowa.

Supervisor Meyers voiced distress about Clerk Sowa's inability to relinquish her responsibility if she is unable to perform duties. She stated that Homer Township has no authority to conduct early voting without a Deputy Clerk. Attorney Sramek will prepare documentation for the appointment of Mary Pat to Deputy Clerk with full authority to be submitted to the Clerk for her consideration.

Motion to return to regular session by Trustee Kruczek, second by Trustee Offord- All Yes-Motion Carries

Executive session ended at 8:45 PM

Prepared by Deputy Clerk Kathleen Kruczek