

Board packet June 20, 2017: 1001 Bylaws and 202 Personnel Files

Friday, June 16, 2017
12:02 PM

Subject	Board packet June 20, 2017: 1001 Bylaws and 202 Personnel Files
From	Ryan Livergood
To	libraryboard
Cc	Noreen Reese; Celia G. Ornelas; Amy Blanchard; Sandy Beda; Jan Marsh; Ryan Livergood; Jennifer Hoy
Sent	Friday, June 16, 2017 12:02 PM
Attachments	202 Personnel Files Draft 1 June 2017.doc; 1001 Bylaws of the Warren-Newport Public Library District - Final-1 June 2017.doc

Good afternoon,

At the June CoW, Andrea brought up the good point that language reflected in Section 3.05 of the Bylaws didn't correspond with language in Policy 202 which requires a "super-majority" of five trustees to access personnel records. I discussed this issue with attorney Mark Ritzman (Roger Ritzman is our primary attorney but sometimes we work with his son Mark, who is at the same law firm) and he pointed out a potential issue with Policy 202 the way it is written:

Per our conversation yesterday, I don't see a problem with updating the by-laws to require a "super-majority" vote before allowing Board member to review personal records. However, the by-law update may not be enforceable.

Potential arguments against the "super-majority" requirement:

- 1. State statute says a Board is made up of 7 members, a quorum is 4, and a majority is 3. Why should a trustee need more than that which is required by state statute to take action?*
- 2. As a public official, a trustee may have a fiduciary duty that is impeded by the trustee's inability to review personal records to make informed decisions.*

Jo came up with a solution to address the reason the Board wanted to add the "super-majority" language in the first place. Essentially, it involves clarifying the rare situations when the Board should have access to personnel files:

Language added to 1001: "The Board's involvement in personnel conflict resolution described in Section 6.04 may necessitate the release of personnel records pertinent to the decision. This is the only circumstance under which personnel records of an WNPLD employee other than the Executive Director are made available to Trustees."

Language added to 202: "Members of the WNPLD Board of Trustees may have access to personnel records only when the Board is involved in the resolution of a personnel conflict that cannot be resolved by the Executive Director in accordance with personnel policies. Under this circumstance, content of an employee's personnel file which is relevant to the Board's decision may be released to Trustees."

The above language is reflected in the attached policies as track changes. Please don't hesitate to contact me if you have any questions.

Thanks,
Ryan

Ryan Livergood
Executive Director
Warren-Newport Public Library District
224 N. O'Plaine Road
Gurnee, IL 60031
847-244-5150 ext. 3008
rlivergood@wnpl.info