RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SALTAIRE

A RESOLUTION AMENDING PRIOR RESOLUTION ESTABLISHING THE ROLE OF AN OMBUDS AND THE SCOPE AND ACTIVATION PROCESS OF THE POSITION OF VILLAGE OMBUDS

After discussion and all having a chance to be heard, Trustee _____ made a motion to adopt the following Resolution:

WHEREAS the Board of Trustees ("Board") continues to affirm the primary role played by the Village's formal Grievance Procedures as most recently adopted on November 11, 2023; and

WHEREAS the Board previously determined that it is in the best interest of the Village to maintain an informal alternative conflict resolution process to address conflicts or other issues among Village employees or volunteers; and

WHEREAS one or more volunteer, unpaid Ombuds, normally Village residents, may be appointed by the Mayor to serve for a renewable two-year term, or on a case-by-case basis; and

WHEREAS the Board previously adopted and subsequently amended an Ombuds policy and procedure and the Mayor appointed and the Board approved two individuals to serve as Ombuds pursuant to that policy; and

WHEREAS the Board as determined that the prior resolution should be amended in order to amend the Ombuds policy to provide that the Ombuds process may be employed to address situations involving parties other than employees and volunteers in the Village;

THEREFORE, BE IT RESOLVED THAT the Resolution adopted by the Board at its November 11, 2023 meeting establishing the Ombuds policy and procedures is hereby amended to read as follows:

VILLAGE OF SALTAIRE
BOARD OF TRUSTEES

Resolution Affirming the Creation of the Position of Village Ombuds and Establishing the Ombuds Alternative Resolution Process

Background

The Board of Trustees established the position of Village Ombuds by resolution of the Board of Trustees, most recently adopted on November 11, 2023.

This Resolution is adopted to affirm the creation of the position of Village OmbudS and to give further clarification to the powers and scope of the Village Ombuds, as well as the process for activating the Village Ombuds.

The Board of Trustees hereby adopts this resolution ratifying the previous adoptions of the policy creating the position of Village Ombuds and further clarifies and expands the scope and the process for activation of the position.

This Resolution shall become part of the Village of Saltaire Employee Handbook, in addition to being part of the general polices of the Village of Saltaire

Appointment, Term; Defense and Indemnification

The Mayor may appoint one or more Ombuds, each to serve as a volunteer for a term of two years, which appointment(s) shall be approved by the Board of Trustees. A shorter initial term of one or more of the appointments of the Ombuds may be made, at the option of the Mayor and Board of Trustees, in order to have the expiration of the Ombuds terms staggered in the event that more than one Ombuds is appointed. The Mayor may also with the approval of the Board of Trustees appoint a person to serve as Ombuds for a shorter term, to serve for a special purpose or matter. An Ombuds shall be considered an officer and volunteer that is covered for defense and indemnification pursuant to Chapter 22 of the Village Code for all actions undertaken in their role outlined herein and/or as requested by the Mayor.

Purposes

Employee Grievances
The Village Ombuds and the Ombuds process may be used to provide Village of Saltaire employees with an alternative informal resolution process wherein an employee may, at the employee's sole choice or option, express concerns that the employee may have with regard to their employment by the Village of Saltaire, learn of the options that are available to them to resolve such concerns, and if desired, pursue the Ombuds option and work with or consult the Ombuds to obtain information and/or attempt a potential informal resolution. For purposes of this policy, "employee" shall include all full and part-time employees of the Village of Saltaire, as well as the volunteers of the Village of Saltaire.

The purpose of this policy is to also reaffirm the formal complaint-grievance policy of the Village of Saltaire, while establishing an alternative or additional non-binding process which an employee may, at the employee's individual choice, utilize. As set forth in this resolution and policy, an employee may utilize the Ombuds process prior to and in lieu of the formal process; or in the alternative, the formal process.

If the employee chooses to pursue the formal grievance procedure, he or she may also elect to suspend or terminate that formal process before it has been concluded and, if he or she wishes, choose to commence the Ombuds option instead. However, once the formal complaint-grievance process has been completed and a decision rendered, the employee may not elect to pursue the Ombuds option to review or as an alternative to the completed formal grievance process, and the result of the formal grievance process shall be final except as to remedies that may be available under the law. Similarly, an employee who opts to pursue the Ombuds option may terminate that process at any time, and, if he or she wishes, opt to pursue the formal grievance procedure instead.

The Ombuds process may be used for complaints or grievances between an employee and management, between two employees, or between employees and agencies of the Village of Saltaire.

Additional Ombuds Process

The Ombuds process may also be offered, at the discretion of the Mayor, and upon the agreement of parties seeking resolution to disputes, to attempt to resolve disputes that may occur in the Village, which parties may include but not be limited to village residents and guests, contractors, vendors, permittees or any other party that is connected to the operation of the Village or under the authority of the Code of the Village of Saltaire (including the Village itself).

Role of the Ombuds

- The Ombuds listens with an open mind.
- The Ombuds helps to resolve problems fairly.
- The Ombuds provides a safe place to voice employee or other party concerns and explore options for productive conflict management and resolution.
- The Ombuds supports a respectful and civil community.

When an Employee May Use the Ombuds Services

- When you need information or assistance in resolving your concern.
- When you are unsure of how to proceed or what options are available.
- When you feel your concerns have not been, or will not be, adequately addressed through formal channels.

When a Non-Employee Party May Use the Ombuds Services

- At request of the Mayor to resolve disputes that have not found resolution within the other established structures of the Village organization.

Ombuds Duties

The primary duties of the Village Ombuds are:

- To work with an individual and/or a group of employees or volunteers of the Village of Saltaire, or other parties, to explore and assist in determining options in order to help resolve conflicts, problematic issues or concerns.
- To bring systemic concerns to the attention of the Village Board of Trustees for resolution.

In pursuing his or her duties, an Ombuds will:

- Listen to the issues and concerns with which he or she is presented from the perspective of the individuals involved, while remaining neutral with respect to these concerns.
- Not judge or decide who is right or wrong.
- Assist in reframing issues to help the individuals identify and understand the interests of the various parties and focus efforts on potential options to address these interests.
- Guide and/or assist individuals to deal directly with the other parties, including through the use of the formal resolution resources of the Village, specifically for employees as set forth in the Employee Handbook.
- Help individuals improve their skills and confidence in giving voice to their concerns directly to these formal sources as well as the other concerned parties and aid in referring the individuals to the appropriate resolution resources as a way to formally resolve the issue.
- Identify and create an awareness within the organization of potential problems within the organization and point out opportunities and suggestions for systemic change for the Village.

Because of the informal, neutral, confidential and independent positioning of an Ombuds in Saltaire, he or she does not typically undertake the following roles or activities:

- Participate in formal investigations or play any role in a formal issue resolution process.
- Make binding decisions or institute corrective measures.
- Serve in any other Village role that would compromise the neutrality of the Ombuds role.
- Receive notice or act as an office of notice for the Village.
- Create policies or create or maintain official Village records.
- Undermine or disrespect the roles of supervisors or public officers or officials in their official capacities.
- Form any type of formal relationship (e.g., attorney-client) with the individuals seeking the Ombud's services, or with other Village employees or officials.

Timing of Availability of the Ombuds Process

The Ombuds process is available to an employee at any time, including but not limited to prior to, during or after the filing and/or commencement of a formal grievance or complaint. However, it is not available once a formal grievance process has been completed and a finding rendered.

The Ombuds process is available to non-employee aggrieved parties at the discretion of the Mayor, with the agreement of the of the parties seeking the Ombuds process, to utilize the Ombuds process in an attempt to resolve their particular situation. In the event of a referral or request for the Ombuds process to or by nonemployee parties both or all parties involved must agree with the involvement of the Ombuds process in order for the Ombuds process to be used by the nonemployee parties.

Non-Waiver

The use of the Ombuds process, whether a limited informational discussion or full involvement with the process by an employee or other party, shall not be a waiver of the rights of an individual to the formal grievance process, which may be initiated at any time otherwise allowable, or a waiver by the employee of any rights that they may have under Village of Saltaire policies or by law.

Implementation of Policy

The Board of Trustees may adopt such other resolutions amending or supplementing this resolution that the Board feels necessary to implement the intentions of the Board of Trustees with respect to the Ombuds process.

The Village may create forms, information or processes that the Village feels are necessary to complete or support the implementation of the Ombuds Policy.