

MINUTES
SPECIAL MEETING OF THE CASTLE VALLEY TOWN COUNCIL
Wednesday, July 19, 2006
Castle Valley Community Building, #2 Castle Valley Drive

Council Members Present: Damian Bollermann, Alice Drogin, Valli Smouse, Jim Lindheim, Ranna Bieschke.

Others Present: none.

Town Clerk: Rebecca Martin.

Call to Order: Meeting called to order by Mayor Bollermann at **4:01 PM**.

1. Workshop on Draft Personnel Policy Manual

Jim Lindheim presented the draft of the proposed personnel policy manual, based on the policies used by Grand County Solid Waste Special Services District, with some input from Pam Hackley (draft manual and March 1 memo included).

Jim commented on differences (changes) from the District's original document as follows:

- Discussion is needed re: whether CV residents would be given hiring preference.
- The District's policy didn't have a strong enough non-discrimination policy. Jim has wording from Kraft Corp. and Pam had made a strengthening suggestion as well.
- Jim suggested a more generous vacation policy.
- Jim added a statement that workers' compensation covers volunteers.
- Discussion is needed re: whether CV will always do reference checks before hiring. **A statement will be added to say "we may" or "we reserve the right" to do reference checks.**
- Discussion is needed re: a 6 month introductory (probationary) period. **A decision was made to re-include the six month (probationary) period wording from the District's policy.**
- Jim removed the option for an employee to be "per diem", i.e., to get cash instead of benefits. He believes the Town is not offering very many benefits and he doesn't think CV wants to get into someone cashing out their vacation pay.
- The District has health insurance and also a benefit continuation program after employees leave. Jim doesn't imagine CV would want to carry benefits after someone leaves.
- The District allows employees to cash out unused vacation or unused sick leave. Jim doesn't see a reason to do that and suggested instead an annual "use it or lose it" plan.
- Jim removed the detailed outline of workers' compensation because the details are available from the State and need not be in the policy.
- Jim removed the requirement for a doctor's letter for extended sick leave seeing no need to be that formal.
- Jim removed time off to vote since voting happens in this building and is unlikely to take a significant amount of time.
- Jim removed the District's payday schedule outline; ours is spelled out as monthly.
- Jim removed the wording on not giving pay advances since the Town may chose to give an advance but it need not be in the policy.
- Jim removed wording on AIDS in the workplace and non-discrimination saying it need not be in the policy, but could be dealt with if it comes up.
- **Encouraging recycling will go back in.**
- Jim removed the payroll deduction section because the District has health insurance, life insurance, etc.; CV has not been paying benefits and only deducts social security, Medicare and workers compensation.
- The District has safety training for (some departments), information on bulletin boards, safety meetings, etc. Each employee is expected to follow rules, safety standards. CV does not do all of this.

Discussion ensued about whether such a statement could avoid liability. **A simple statement encouraging job safety will go back in.**

- Discussion is needed re: wearing seatbelts and using cell phones when employees drive on Town business. **A decision was made not to include this.**
- Jim removed the section on work schedules being set and enforced. Discussion is needed on Pam's suggestion to outline a specific schedule and performance standards for specific employees.
- Jim removed the District's section on overtime pay procedures, referring to "exempt" and "non-exempt" status etc. Jim included a different overtime section in this draft.
- Jim removed a section on emergency closings, i.e., what happens when District sites have emergency closings.
- Jim removed a section on when employees can take unpaid extended medical leave. The CV policy draft includes this but without establishing procedures for it because of our small size.
- Jim removed the section detailing military leave. The CV draft offers military leave, but with few details.
- Jim removed a section on reminding employees not to commit fraud.
- Discussion is needed re: a clause prohibiting drugs and alcohol in the workplace. Discussion ensued about whether events could include alcohol, who may decide, what research should be done. **A statement will be added to prohibit employees from "being impaired" in the workplace.**
- Jim replaced the County's section on sexual harassment with a simple statement that sexual harassment is prohibited. Discussion is needed on whether harassment should be defined. **Jim will crib from the Moab Music Festival's harassment clause which prohibits "creating a hostile work environment", and includes sexual harassment as one form of that, and also addressed intimidation and treatment of people. This will become a separate section called "non-hostile working environment."**
- Discussion is needed re: being punctual and dressing appropriately.
- Jim removed a section on being prepared for security inspections.
- Jim removed a section on disciplinary procedures.

The Council then went through the draft policy as presented, section by section. ("3rd draft" included)
Re: opening disclaimer: Jim explained that an opening disclaimer is a common practice and read District and County examples aloud. Their clause says there is no contract or promises, the agency can change anything that is stated any time they want without consulting anyone and without anyone's agreement, and the agency can fire anyone with or without cause. **A decision was made to use Jim's wording rather than the District's.**

Re: non-discrimination and openness: Hiring will not be prejudiced. No discussion.

Re: giving/not giving preference to CV residents during the hiring process. Discussion ensued with comments from Jim, Ranna and Valli. **It was decided to include the phrase, "We prefer that employees be residents or property owners, although exceptions will be made".**

Re: intimidation: Fear/threat of retaliation was included in the County manual but fear/threat of intimidation was not. **Wording to prohibit "intimidation" will be added.**

Re: hiring relatives: The County adds two exceptions: a) if the relative will be employed for four weeks or less, and b) is the only qualified or eligible applicant for the position. **A decision was made to use the County wording.**

Re: exempt vs. non-exempt wage and hour status: All employees were designated as "non-exempt", thus eligible for overtime pay if they work over 40 hours per week. Jim commented it is highly unlikely that CV would create an exempt or salaried position that supervises people and has a wide range of authority, etc. Jim said anon-exempt status is standard and encouraged for municipalities and there would have to be specific rules set up for an exempt employee. The Town pays Medicare taxes and social security and workers comp. for all employees.

Re: types of employees/employment categories: the following categories were changed:

- Regular Full-Time Employees: scheduled for 35-40 hours/week
- Regular Part-Time Employees: scheduled 24-35 hours/week

All employees except volunteers receive the standard benefits package. Volunteers, including all TC, PLUC and BoA Members, are covered by workers' comp, but volunteers are not subject to anything else in this policy. Under this policy, regular full-time people would receive paid holidays, paid vacation, paid jury duty (30 days), and paid personal time/sick leave as well as the standard benefits package. Ranna asked whether State law requires a paid benefit package, and whether the Town is required to offer the standard benefit package to everyone. The paid package is not mandated, and the standard benefit package is mandated.

Ranna challenged the concept of paying people who only work limited hours per month for jury duty. Damian suggested averaging out daily pay (over the past year) for part-time employees to determine the amount of paid jury duty time. Jim will look into this further.

Re: personnel files: the following additions/changes were made:

- The job description will be kept on file
- Job information may be released to others only upon oral or written authorization (permission from the employee)
- Employment records will be restricted (all records are currently open records)

Discussion ensued about the work of keeping up these files.

Re: who has authority on personnel issues: Jim suggested adding that the Council establishes policies, enters into employment contracts, and serves as the final appeal board in disputes. The Mayor acts as personnel administrator. The Clerk is the Records Manager ("City Recorder" in a city).

Re: annual performance evaluations: (copy of an evaluation form is included) Pam suggested two-way evaluations, and adding goals and ways to improve performance. Jim discouraged the two-way evaluation approach with elected officials. Alice commented that it is also effective to have the employee evaluate themselves using the form. **There was general agreement on this.** There would be one form that both the supervisor and employee sign. Valli suggested an avenue for the Council to give input.

Wording will be added to say Supervisors are encouraged to check with others who work with the employee. Jim noted that evaluations are critical to avoid lawsuits.

Re: "at will" employee status: Jim presented a mutual at will concept. "At will" means being able to let employees go without reason. Valli commented on the "at will" policy and how it is applied by the County. Discussion ensued about various cases, with comments from Damian, Valli, Jim and Ranna.

Re: local appeal board: The fired employee has a right to appeal. Valli asked whether the Town should set up a local appeal board. Discussion ensued about whether the Mayor could make the decision to fire someone without involving the Council. Alice suggested adding wording outlining an appeals process.

Questions arose in the following areas:

- what the appeals process would be (for a fired employee)
- "at will" issues for hired, appointed and statutory positions
- the legality of setting up a personnel administrator who is accountable to the Town Council
- whether the Road Supervisor (for instance) could legally have the power to hire
- whether all hirings/firings/raises require consent of the Mayor
- who has the power to hire and fire generally (and how this relates to the Council)
- whether it is legal to delegate hiring to a hiring committee
- who may/may not recommend and who acts upon recommendations re: hiring/ firing/giving raises
- who legally has the power to authorize raises generally
- who makes the final decisions re: personnel
- whether "advise and consent" can also pertain to hirings as well as appointments
- who can be given powers to spend tax-generated income
- whether there should be a pay scale matrix (re: raises) in the policy
- what legal specifics would be different for statutory employees

The current draft states that the Mayor recommends hiring to the Council. Damian suggested spreading the power such that the Road Supervisor would not have to wait to hire someone to pull weeds until the next Council meeting. **Research is needed to add correct wording outlining the Mayor's authority to hire and fire in the next draft. Wording will be added to this section so that temporary employees could be hired (by department heads/supervisors) with consent of the Mayor.**

It was decided to run questions by David Church.

Re: sick leave: **The phrase "sick leave" will be replaced by the term "personal leave/sick leave".** In the current draft, a full-time person would have up to 13 paid personal leave days per year. A part-time person would accrue personal leave time at the same rate, but pro-rated by the hours they work. **No transfers of sick leave to other employees.** The following questions were raised:

- is the amount of personal time good?
- will part-time people also receive paid personal days?
- must the personal time be used within one year or can it accrue into other years?

Re: benefits in general: Ranna expressed discomfort about the potential total proposed amount of time off and overall cost in proposed benefits (up to \$4,992/year). Discussion ensued with comments by Damian, Ranna, Jim, and Valli. Discussion ensued about what it means to have full time employees.

The phrase "paid" will be added to "holiday time off".

Re: salary vs. hourly: Valli asked why you would put someone on salary. Jim said you can offer a non-exempt person a salary and assumes that a full-time person would be put on salary and their pay discounted to cover the cost of benefits. Valli commented that "a happy employee is a good employee". Ranna spoke against a full time person being paid hourly. Damian asked Rebecca's opinion. Rebecca said she is not interested in being put on salary because it means more hours/less pay, sick leave is lost if one is not sick, that this could be designed as a ¾ position with ¾ benefits, and that the system should honor someone who is putting in as much time as the Town needs. Jim said if a person gets a paid month off, it raises their hourly rate back up.

Re: overtime pay: **A decision was made to include the County's statement on overtime (from March 1, 2006, "sheet 2", number 6).** Overtime must be paid at a rate of time and a half or time off given in compensation at time and a half. Rebecca commented she worked at a place where you could get time off at a regular rate for up to 40 hours, and at an overtime rate if it went over 40 hours, even as a "part-time employee". Jim argued that paid comp time does not work for a part-time employee because you end up paying additional cash for the time off.

Re: full time benefits: The agreed upon benefits were as follows:

- **Paid Personal Leave time: 6 days personal leave time per year**
- **Paid Vacation time:**
 - 6 months – 1 year = none**
 - 1 - 2 year = 5 days**
 - 2 - 5 years = 10 days**
 - 5 – 10 or more years = 15 days**
- **Paid Holidays: Seven paid holidays total to include: New Year's, Fourth of July, Labor Day, Thanksgiving, Christmas, plus two other paid holidays of their choice.**

Re: personal use of Town equipment: Discretion will be used on phone use. **Wording will be added to indicate that the copy machine may only be used if the (ordained 25 cents per copy) is paid.**

Re: mileage reimbursement: Mileage will be paid at the rate established by Grand County.

Re: lodging reimbursement: Lodging may not exceed \$80/day except under extenuating circumstances.

Re: phone reimbursement: Outside of Grand County, phone costs will be reimbursed up to \$5.00.

Re: meals and gratuities: Outside of Grand County, **Meals will be reimbursed up to \$40/day.**

Re: recommending ex-employees officially vs. privately: Jim explained that corporations do not give recommendations; people can give recommendations on their own. **No recommendations may be made on Town stationary.**

Re: Job descriptions: **There should be fairly detailed job descriptions/job agreements.**

Re: minimum hours for full-time: The County lists employees as full-time if they work 32 hours or above. The Town is basing a definition of “full-time” on 40 hours.

Re: regular part-time employee benefits: In the Town’s policy, **paid personal leave time is prorated. There are no other benefits.**

Re: jury duty pay: **The stipulation that jury duty time will be paid by the Town only if the employee pays the Town the jury duty fee will not be included.**

Re: military leave: **No paid military leave will be offered.**

Re: absence without leave: **Employees must alert the Mayor as soon as possible if the office will be closed/if the employee will be two hours late.**

Re: files are all Town files: All files are open public record (unless restricted by ordinance) including electronic records.

Re: support of training: **A statement of support for employee training will be added.** Rebecca commented that comments have come in from the public to the effect that the Town should require newly elected officials training.

Re: no smoking policy: **Signs will be put up to clearly designate the Community Building as a non-smoking building.**

Re: incident reports: **Wording will be added to specify how emergency incidents should be reported.**

Adjournment: Jim moved to adjourn. Valli seconded. Motion passed unanimously. Meeting adjourned at 6:02 PM.