

City of Green River

460 East Main Street, Green River, Utah

City Council Minutes

Special Meeting

Tuesday, September 4, 2012

ATTENDING: Mayor Pat Brady, Council Members Kathy Ryan, Kent Johnson, Penney Riches, Philip Engleman and Gary Riches; Employees Conae Black; Citizens Bob Scott, Raul Mendoza

CONDUCTING: Mayor Pat Brady, the meeting began at 6:40 p.m.

ORDER OF BUSINESS:

1. Discuss personnel policy. Mayor Brady said another section needs to be created in the policy to put in job descriptions. With the suggested revisions sent in by Kent Johnson it deals with insubordination. He thought Kent Johnsons suggestion of the following could be added to the policy under section VII:

EMPLOYEE CODE OF CONDUCT – 1. PROFESSIONALISM

Addition: Employees shall not be insubordinate to Mayor, Public Works Director or Department heads appointed by the Mayor. Insubordination includes but is not limited to; disregarding directives, being quarrelsome, refusing duties, etc.

Cases of insubordination will be placed in employees' personal file. Continued insubordination will bring about disciplinary action including possible termination. Department heads have authority over their respective departments. Mayor will when possible discuss situation with department heads before making a decision.

6. APPEARANCE

Addition: Employees shall wear modest clothing appropriate to their duties. Attire with crude, vulgar, suggestive, bigoted, or otherwise offensive slogans or language is prohibited. Shorts will not be permitted; except office employees may wear short pants that are knee length (women's versions are commonly called Capri's).

Kent Johnson brought up body piercings and tattoos. How much do we want to say is permissible in the interaction with the public? Penney Riches said in her dealings with her employees she has asked that a body piercing not be worn while at work if she finds it offensive but tattoos are something that cannot be removed but can be covered. Kent Johnson said that is something that may have to be dealt with on a case by case basis. Gary Riches felt the APPEARANCE section was vague enough that piercings and tattoos could be handled on a case by case basis.

From the current policy section XX: GENERAL SAFETY - Mayor Brady stated existing policy from this section. "Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines". Section XXI addresses OSHA requirements. Kent Johnson said some of his suggestions could be added to the current policy. He also felt that the policy did not have enough "teeth" to it and none of it was complied with. There was some discussion on steel toed boots. Kent Johnson said it is a requirement at his job. Kathy Brady said she knows it is a requirement and they have to live with it daily but if you get your toes smashed the steel toed boots will just cut your toes off. Kent Johnson said if you get crushed by something that is strong enough to crush the steel toe it is not going to help you. You will be losing your toe any way but typical things that would cause a broken toe or minor injury the steel toe helps and it does work. Mayor Brady said the policy addresses safety glasses but more specifics could be added. Kent Johnson thought the safety glasses should be worn at all times. Gary Riches questioned as to why. Kent Johnson explained that if you start picking and choosing when to wear them then

when they are needed then they won't have them. Gary Riches if that rule was in place the Public Works crew would either wear them all of the time as dictated or not wear them at all. He asked if they don't wear the glasses then what are you going to do, fire them. Kent Johnson said they should be disciplined. Gary Riches suggested changing it to read state "employees shall wear safety glasses at all times when on duty and there is a potential or a person would perceive a potential use" of safety glasses. Kent Johnson agreed to that and stated that part of it is protecting them and part of it is protecting the city. Gary Riches agreed. Gary Riches felt that the mandate of wearing safety glasses may push the Public Works crew into finding different employment. Philip Engleman felt the city should provide a clothing allowance. Kent Johnson felt that by mandating the use of the safety glasses the savings on our insurance with the safety program would offset the cost of providing the glasses. There was more discussion on dictating the use of safety such as safety glasses, safety vests or reflective shirts, leather gloves and steel toed boots and how to handle the employee if they chose not to wear them. Mayor Brady asked Kathy Ryan if the State employees were allowed to wear shorts. She said no. Mayor Brady asked where to add the requirement to wear pants at in the policy. Kent Johnson suggested putting in the GENERAL SAFETY section. Mayor Brady said the written suggestion from Kent Johnson on requiring the Public Works Director to hold monthly safety meetings will be added to the job description.

Mayor Brady moved onto the drug and alcohol testing policies. He stated a lot of Kent Johnson's suggestions were already covered in the current policy except the part of "illicit drugs are strictly prohibited. Uses of prescription drugs, over the counter drugs, or using household or industrial chemicals as intoxicants is prohibited." Conae Black said an employee from the office questioned why the office employees were required to be drug tested when they don't operate equipment. Kent Johnson explained that the rule applies to all employees as public servants. Kent Johnson stated that his suggestions are harsher than what is currently in place. He suggests a "zero tolerance" policy. Both Gary Riches and Kent Johnson said they are on duty at all times but cannot report to duty if they have been drinking alcohol. It is the responsibility of the employee to report the use of alcohol to the employer if they have been called in to work on the off duty hours. Both Kent Johnson and Kathy Ryan stated if their drug test comes back positive then they are terminated from their job. Philip Engleman asked what would happen to an employee if they had several DUI's. Both Kent Johnson and Kathy Ryan said they would be terminated. Kathy Ryan said if a State employee comes to their employer before they are tested positive for drug or alcohol use and state they have a problem and are willing to get some help then their job is held. Mayor Brady felt the Council needed to study the drug and alcohol section of the policy. He said that if the city is going to test for drugs and alcohol then we need to budget money for it. He suggested the elected officials should also be tested. Kent Johnson said he didn't think it was legal to test the elected officials. Their discussion involved several different scenarios of drug and alcohol use and how to best handle the situations. Discussion led to the disciplinary actions of an employee who is tested positive for drug and alcohol use. Both Kent Johnson and Kathy Ryan presented the policies put in place at their employment.

Penney Riches asked if a work order should be submitted in for work that should be part of the public works duties. Mayor Brady said that was one of the reasons he wanted to put job descriptions at the front of the employee policy book. He said if it is part of their duties then they should be doing it. He also said that once the employee policy handbook is amended he will be going over the changes at the employee meetings.

2. Discuss RDA ordinance. Mayor Brady said this example was provided to him by Craig Smith. The Council did not see any problems with the example ordinance. Mayor Brady asked the City Council to move forward with this and get it ready for adoption.

MOTION: Kent Johnson moved to go into an Executive Session. Gary Riches seconded the motion. **VOTE:** Gary Riches, Philip Engleman, Penney Riches, Kent Johnson and Kathy Ryan voted aye. The motion carried.

3. Adjourn The meeting adjourned at 8:15 p.m.

Pat Brady, Mayor

Conae Black, City Recorder

Approved: _____