

City of Green River

460 East Main Street, Green River, Utah

City Council Minutes

Special Meeting

Thursday, September 20, 2012

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

CONDUCTING: Mayor Pat Brady, the meeting began at 6:33 p.m.

ORDER OF BUSINESS:

1. Discuss personnel policy. Mayor Brady said the only thing he thought left to do was work on the drug and alcohol part of the policy. He said there should be a copy of both the UDOT policy and one from Union Pacific Railroad. He wanted to discuss what was meant by "zero tolerance". To him it means that if you get caught then you are gone, however, in his opinion if that employee is willing to put their money into a rehabilitation program once and come back to their job then that should be allowed. If it happens twice then they are gone. Penney Riches asked if that meant they would actually lose their job but when there was an opening they could reapply again. The answer was no, their job would be held. Penney Riches explained the law for an employee who gets caught selling alcohol or tobacco to someone under the legal age. They are fired on the spot, fined and the business is fined. It is a "no tolerance" law. Kathy Ryan said if you put zero tolerance then you need to do just that or you don't have a zero tolerance ruling. Mayor Brady felt that was too harsh. Kent Johnson thinks that you can have a strict policy and still be human about the punishment. If someone makes a one time bad choice and they make it right you may have an opportunity to turn someone into a better citizen, a better person and a better employee. Penney Riches asked how long that person would be given to correct the problem. Would they get paid while they are taking the time off? Kent Johnson said they wouldn't get paid while they are taking the time off. Penney Riches asked if anyone spoke with an attorney or read up on this matter to see if the city would have any more liability if we do not fire them for illegal drug and alcohol use especially if they are operating a vehicle while under the influence. Philip Engleman and Kent Johnson said that if they get a DUI then they lose their drivers license. Kent Johnson said a driver's license is a condition of employment. Gary Riches asked if they were making the correct comparisons. He said in his profession if he failed the drug and alcohol test then he would immediately be fired. Kathy Ryan said the same rule applied to her in her job unless you notify your supervisor before you are tested that you have a problem and ask for help. Penney Riches asked if anyone knew how much a drug test cost. Gary Riches looked it up and said anywhere from \$15 to \$50 depending on what you test for. Penney Riches said she has her mind set and didn't think it would change; she is in favor of a no tolerance ruling. Mayor Brady said he wanted to go around to each member of the Council and find out what they wanted. When you implement a no tolerance policy then it means you test positive for drug and alcohol use just once then you are immediately fired. There were three in favor of a no tolerance ruling and three against. There was more discussion between them as to why they made their choice of being in favor or against the no tolerance ruling. The discussion led to defining a safety sensitive job. There is a job difference between office personnel and someone operating a water treatment plant or equipment. The Mayor and Council also discussed their thoughts on someone admitting to using drugs before they were tested and asking for time to get some help or admitting to a time in their past when they used drugs. Mayor Brady read from the UDOT policy on rehabilitation. It states that if an employee comes forward and identifies that he/she has a substance abuse problem before they are selected for testing UDOT will work with employee to get them any help he/she needs just as any other employee who has an illness. When the employee returns to work and cannot perform the essential functions then that employee will be subjected to corrective disciplinary actions including reassignment of duties, demotion or dismissal. When the employee returns to work they are required to take six follow up drug/alcohol tests for up to twelve months and any additional test for the next 48 months. Penney Riches said she liked that policy. Gary Riches said you can still call it zero tolerance. Mayor Brady said they do not drug

test at the school but if they did and the test came back positive they would be fired and there is not any tolerance for students who participate in sports for drug and alcohol use. The Council compared the UDOT and Union Pacific policy to the City policy. The question was asked on how long it takes to go through a rehabilitation program. Kent Johnson thought it was 30 days. Penney Riches asked who does this persons job while they are gone. Mayor Brady said the city would hire a temporary person. Gary Riches looked up how long a rehabilitation program would be and read that a 90 day in resident program is more successful but a 30 to 60 day outpatient programs are available. The question was asked if the city would pay for rehabilitation if the employee admitted to a problem or is they solely responsible for all costs. It was suggested that insurance would perhaps help with the expense. Mayor Brady asked if there is a chance for the employee to return to work how long should the city hold their job. Gary Riches suggested 60 days as long as they enter into rehabilitation. Mayor Brady asked the Council what they wanted to stay into the policy in place now and what did they want to add. Kent Johnson said he thinks current policy should be replaced with a better one and Penney Riches agreed. Mayor Brady brought up that this ruling does not take into effect what has happened in the past. The Council agreed.

2. Discuss code enforcement. Mayor Brady said an option that was brought to him on this new position was to hire a new code enforcement officer and allow him time to be trained and get comfortable with his job and after six months time take another look at the duties and hours. Penney Riches felt this person would be busy for two or three years because they would have a lot of letters, people and doing things. Mayor Brady felt that it would take a shorter period of time that two or three years and after this person is trained then he/she could be a deputy recorder. Kent Johnson said there needs to be some cross training in the office for both the Recorder and Treasurer. Mayor Brady suggested that animal control could be handled by Public Works. They would each take a turn for one week at a time and get extra pay for each animal they are called out for after their regular work hours. Gary Riches said he has talked with all four public works employees and they will not take on the animal control duties. Kathy Ryan suggested approaching the public works employees with the fact that if another person is hired they may not be getting a raise for a very long time. Kent Johnson said if the public works employees refuse to take on any other duties it would be insubordination. Penney Riches said maybe the city has the wrong person on lead because if the lead person will go and catch a dog then the others would follow. Some members of the Council felt that if these current public works employees did not do their job then they should be replaced. Gary Riches said there may be others who would like their jobs but are they qualified. Kathy Ryan agreed that the city is not prepared with proper mapping to replace the current employees who has knowledge of the water and sewer systems. The discussion then led to whether another employee should be hired for grounds maintenance. Philip Engleman said most cities the size of Green River do not have four full time public works employees. There was discussion on the differences between all of the surrounding communities and what each municipality is responsible for. Philip Engleman asked if Howard Burnett wanted to give up just the crossing guard or does he also want to give up overseeing the bulk waste collection site. It was said that he was just giving up the crossing guard. Mayor Brady said Castle Dale has a price sheet on how much their animal control officer is paid and he will get a copy of that. Mayor Brady wanted to talk about the grounds keeping job. Kent Johnson wants to revisit the contract and amend it and Philip Engleman wants to hire another employee. Gary Riches, Kathy Ryan and Philip Engleman felt the current contractor learned that grounds maintenance job was more than he thought. All of them felt the job was almost full time during the summer months. Penney Riches feels that if the public works employees managed their time better they would be able to do animal control and grounds maintenance. Kent Johnson said the summer season is just about over and felt a code enforcement officer should be hired as soon as possible. Gary Riches said he drafted up a job description for a code enforcement officer and did not add the duties of a deputy recorder to that because it was just brought up. Philip Engleman asked Gary Riches if the position that he just described would be a full time job with benefits. Gary Riches said yes, most code enforcement officers throughout the State of Utah are certified Peace Officers as well. You are looking in the future of sending this person through the Police Academy but that was not in the job description that he just gave them. Gary riches said he would like to speak with the city attorney before the city advertises for this position. He said there is the administrative process as well as the criminal process. With the administrative process the

Mayor appoints someone to be the hearing officer. The code enforcement officer will site someone who is in violation and that person has the right to appeal that citation. Philip Engleman said if we do this then the city needs to make sure all its property is clean and well maintained. The city needs to set the example. Kathy Ryan said the city needs a place to take waste material and clean up what has been dumped on private property.

Mayor Brady said to post for a crossing guard position for \$8.00 an hour.

3. Adjourn. The meeting adjourned at 7:52 p.m.

Pat Brady, Mayor

Conae Black, City Recorder

Approved: _____