

CITY OFFICIALS

W. Greg Nelson, Mayor
Richard Cardoza, Council President
Briana Buban-Vonder Haar, Council Member
Pat Jones, Council Member
Joe Stear, Council Member

CITY OF KUNA

**City Council Workshop
Minutes
Tuesday, July 7, 2015**

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

5:30 P.M. CITY COUNCIL WORKSHOP – Personnel Manual (continued from June 2, 2015)

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council President Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Pat Jones
Council Member Joe Stear

CITY STAFF PRESENT: Gordon Law, City Engineer
John Marsh, City Treasurer
Chris Engels, City Clerk
Richard Roats, City Attorney
Bobby Withrow, Parks Supervisor
Bob Bachman, Fleet/Facilities Manager

Other staff present in the audience.

City Attorney Richard Roats led the workshop beginning with Chapter 13, Employee Performance and Discipline.

Council President Cardoza commented on the paragraph addressing an employee alleging unlawful discrimination or retaliation or who is legally entitled to a name clearing hearing will meet with the City Council. Council Member Cardoza questions whether one hour in duration stated in the current manual would be long enough to hear witnesses. His recommendation would be open time to allow for a fair hearing.

Council Member Buban-Vonder Haar questioned if City Employees have MSPD EEOP rights or what is their appellate recourse if any.

Mr. Roats responded City Employees do not have MSPD EEOP rights.

Council Member Buban-Vonder Haar questioned if an employee receives disciplinary action, are they given a certain amount of paid time to review the evidence and respond.

Mr. Roats responded that has not been the case in the past but typically what has been done is the employee is given an opportunity to respond to a letter detailing the allegations in a time frame that would depend on the severity and complexity of the allegations. The response time could be stated as 8 hours minimum but not more than 36 hours.

Council Member Buban-Vonder Haar recommends 8 paid hours. She further commented she supports the need to be sure the employees are given the appropriate due process as Council President Cardoza previously mentioned.

Council Member Buban-Vonder Haar asked for clarification of the phrase - the employee has 14 days to respond to demotion or termination. Is this only for employees alleging discrimination or retaliation or for all employee disputes of demotions or terminations in general?

Mr. Roats responded this is limited to those legally cognizable theories. The employee would need to particularly state what the grounds of the dispute are with the facts that then could be heard.

Council Member Buban-Vonder Haar commented, since it has been clarified that disputes would be limited to specific legal bases, employee responses could be more complicated so she would be fine with extending the amount of time or to not assign a time limit at all for the employee to be heard by City Council.

Mr. Roats suggested 14 days or an additional amount if requested.

Council President Cardoza asked about the last sentence of the last paragraph stating the decision shall set forth in writing the reason for the City Council determination. The question is – Is the decision to be made that night, one week later, two weeks later, is there a time element of simplicity to make that decision? Is time of the essence, requiring the time frame to be written in the handbook? Or, is it assumed the decision will be made at that City Council meeting?

Mr. Roats responded the assumption would be that a written decision would not be made at that City Council meeting because that typically would be findings of fact based upon the evidence at the hearing. An addition could be made stating in no event will the opinion or decision be *unintelligible comments*.

Council President Cardoza asked if the decision would have to be made in executive session.

Mr. Roats responded yes, it would be.

Council President Cardoza asked if it should be noted in the handbook that the Council's decision must be made in executive session.

Council Member Buban-Vonder Haar asked if the entire hearing was not taking place in executive session.

Mr. Roats responded yes but he would reiterate that fact.

Chapter 14:

Council Member Buban-Vonder Haar reiterated her preference for numbering.

Chapter 15:

No changes

Chapter 16:

No changes.

Chapter 17:

Council Member Buban-Vonder Haar asked about employee job abandonment. If an employee is away from the job for reasons beyond their control and can show there was no intent to abandon, would there be any flexibility? At this time the manual states if an employee has an unexcused or unauthorized absence of three working days, the employee may be considered to have resigned through abandonment of their position. The words may be should provide the flexibility.

Chapter 18:

No changes

Mr. Roats explained he would like a central location for any adopted resolutions. He asked to have an additional workshop to review all the changes made.

Council agreed to another meeting.

It is proposed to have the workshop on July 21, 2015 at a pre-council meeting at 6:30 p.m.

Council agreed to the July 21, 2015 workshop at 6:30 p.m.

Meeting closed at 5:55 p.m.

Council Member Stear moved to adjourn the personnel manual workshop. Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.

W. Greg Nelson, Mayor

ATTEST:

Chris Engels, City Clerk

Minutes prepared by Dawn Stephens
Date Approved: CCM 07.21.2015