

PERSONNEL COMMITTEE MEETING MINUTES
MAY 11, 2021

PERSONNEL COMMITTEE MEMBERS PRESENT: Hicks, Ward, Campbell, O'Brien, Skellie, Clary, Griffith

PERSONNEL COMMITTEE MEMBERS ABSENT: None.

SUPERVISORS: Hall, Henke, Fedler, Ferguson, Shaw, Hogan, Wilson, Rozell

Debra Prehoda, Clerk

Melissa Fitch, County Administrator

Danelle LaPann, Personnel Director

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

- 1) Call to Order
- 2) Accept Minutes – April 6, 2021
- 3) Department Staffing Requests/Staffing Pattern Changes:
 - A. Public Works
 1. Heavy Equipment Mechanic – Backfill
 2. Highway Worker II – Backfill
 3. Highway Worker II Summer Season Upgrade
Staffing Pattern Change
 - B. Public Health – Registered Professional Nurse – Backfill
 - C. Public Defender – Assistant Public Defender – Backfill
 - D. DSS – Caseworker – Backfill
 - E. Buildings & Grounds – PT Laborer (2) - Backfill
 - F. Sheriff – Sr. Account Clerk – Backfill w/Account Clerk or Sr. Account Clerk
Possible Staffing Pattern Change
- 4) Other Business
 - A. Handbook Change
 1. Section 4.004 – Standards of Behavior and Performance
 2. Section 4.007 – Drug Free Workplace
- 5) Adjournment

Chairman Hicks called the meeting to order at 10:01 A.M.

A motion to accept the minutes of the April 6, 2021 meeting was moved by Mr. O'Brien, seconded by Mr. Griffith, and adopted.

STAFFING REQUESTS: Danelle LaPann, Personnel Officer, addressed the following staffing requests:

PUBLIC WORKS:

- Heavy Equipment Mechanic – Backfill due to a resignation – 40 hours per week at base rate of \$21.60/hr. A motion to approve backfill, Heavy Equipment Mechanic, due to a resignation was moved by Mr. O'Brien, seconded by Mr. Skellie, and adopted.
- Highway Worker II – Backfill due to a resignation - 40 hours per week at base rate of \$19.53/hr. A motion to approve backfill, Highway Worker II, due to a resignation, was moved by Mr. Skellie, seconded by Mr. O'Brien, and adopted.
- Highway Worker II Summer Season Upgrade – The Superintendent of Public Works is asking to change the Staffing Pattern temporarily to allow Highway Worker II's who are qualified to be Highway Worker III's to work as a Highway Worker III as needed during the summer construction season. Chairman Hicks stated this is done every year and it is standard procedure. The Personnel Director stated there is not a fixed number of Highway Worker II's going to Highway Worker III. The County Administrator stated the Superintendent would like to keep the number of positions open depending on need. This does require an MOA with the Teamsters Union. A motion to allow the Superintendent of Public Works to move Highway Worker II positions to Highway Worker III for the summer construction season, amend the Staffing Pattern to reflect these temporary changes between Highway Worker II and Highway Worker III for the summer construction season and authorize the Chairman of the Board to sign an MOA with the Teamsters Local Union was moved by Mr. Skellie, seconded by Mr. Campbell, and adopted.

PUBLIC HEALTH:

- Registered Professional Nurse – Backfill due to a retirement - 37.5 hours per week at a base rate of \$26.13 per hour. A motion to approve backfill, Registered Professional Nurse, due to a retirement was moved by Mr. O'Brien, seconded by Mr. Griffith, and adopted.

PUBLIC DEFENDER:

- Assistant Public Defender – Backfill due to a resignation. This is an exempt position, 35 hours per week and base salary of \$71,501.00. A motion to approve backfill, Assistant Public Defender, due to a resignation was moved by Mr. Ward, seconded by Mr. Campbell, and adopted.

DEPARTMENT OF SOCIAL SERVICES:

- Caseworker – Backfill due to a resignation - 40 hours per week at a base rate of \$23.29 per hour. A motion to approve backfill, Caseworker, due to a resignation was moved by Mr. O'Brien, seconded by Mr. Campbell, and adopted.

BUILDINGS & GROUNDS:

- Part Time Laborer (2) – Backfill two part time positions due to a resignation and one position accepting a full time position - 40 hours per week at \$13.51 per hour. A motion to approve backfills, two part time Laborer positions, due to a resignation and one position going to a full time position was moved by Mr. Ward, seconded by Mr. Griffith, and adopted.

SHERIFF:

- Sr. Account Clerk position vacant due to a resignation. Requesting to backfill Senior Account Clerk position with an Account Clerk possibly an internal candidate. This is a 35 hour per week position at \$16.68 per hour and possibly promote to a Senior Account Clerk position in approximately six months. A motion to approve backfilling a Senior Account Clerk position with an Account Clerk and amend the Staffing Pattern to delete one Senior Account Clerk position and add one Account Clerk position was moved by Mrs. Clary, seconded by Messrs. O'Brien, Campbell, and Ward, and adopted. Would need to come back to committee to request promotion to Senior Account Clerk and if approved amend Staffing Pattern.

OTHER BUSINESS:

HANDBOOK CHANGES: Requesting changes to the Employee Handbook due to the legalization of cannabis. The changes are basically adding cannabis to where alcohol was listed in the handbook sections, attached.

- Section 4.004 – Standards of Behavior and Performance – Amend to add: cannabis.
- Section 4.007 – Drug Free Workplace – Amend to add cannabis to the covered substances and where alcohol is also referenced.

A motion to amend handbook section 4.004 to add the possession or use of cannabis while on County time or premises is prohibited and to section 4.007 add cannabis to the covered substances list and incorporating that change throughout the section was moved by Mr. O'Brien and seconded by Mr. Ward. Discussion. Mr. O'Brien asked if there would be training for department heads on how to identify abuse. At this point just stating in the Employee Handbook that use of cannabis is prohibited on County premises and on County time and is listed as a covered substance in the Drug Free Workplace section noting that training might be necessary going forward. This is just the beginning of the process of addressing the legalization of

cannabis. The County Administrator stated possibly the Smoke Free Workplace Policy will need to be edited because smoking on campus is allowed in designated areas and with the legalization of cannabis smoking cannabis on campus needs to be addressed. This has been addressed regarding employees in the amendment to the Employee Handbook – Drug Free Workplace but need to address this issue regarding the public on county property. The Smoke Free Workplace Policy will be on the agenda for the next Government Operations Committee. Mr. Wilson stated policies state no alcohol so it would be the same for cannabis. The motion to amend Employee Handbook section 4.004 to add the possession or use of cannabis while on County time or premises is prohibited and to section 4.007 add cannabis to the covered substances list and incorporating that change throughout the section was moved by Mr. O'Brien, seconded by Mr. Ward, and adopted.

The meeting adjourned at 10:14 A.M.

Debra Prehoda, Clerk
Washington County Board of Supervisors

Section: Attendance & Standards of Conduct	Issue Date: 06/21/93	Section # 4.004
Subsection: Standards of Behavior & Performance	Revised Date: 04/01/03 & 05/11/21	Page 1

The orderly and efficient operation of County business and its diverse services requires that all employees observe certain minimum standards of behavior and performance. We believe that you'll find these standards easy to follow. However, failure to do so would result in unsatisfactory work performance and it is likely to result in disciplinary action being taken pursuant to Civil Service Law Section 75 or the appropriate labor agreement, up to and including dismissal. Please note that certain types of behavior may result in immediate termination.

Some unacceptable behaviors are listed below. This list should not be considered exclusive. Other situations which could lead to disciplinary action are discussed elsewhere in this handbook.

1. Fighting, provoking a fight or disorderly conduct of any kind.
2. Abusive, threatening or discourteous treatment of any fellow employee or member of the public or any other conduct that does not warrant public trust.
3. Willful violation of safety rules and practices including failure to use safety equipment.
4. Insubordination or failure to follow the reasonable direction or order of a supervisor.
5. Tampering with, destruction or theft of property, tools or equipment belonging to either the County or to any other employee or person.
6. Falsification of or making any material change in any County record, or any letter or document submitted to the County.
7. Unauthorized use and/or removal of County property, record, or any other materials from County premises.
8. Unauthorized possession of firearms, weapons, or explosives either on employee's person or on County premises.
9. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on County property.
10. Illegal gambling on County premises.
11. Use of County materials, tools or equipment without permission.
12. Unreasonable number of absences, failure to report absences, or any unauthorized absence.
13. Sleeping during working hours.
14. Failure to report any personal injury to the supervisor.
15. Smoking in prohibited areas.
16. The possession or use of alcohol or cannabis while on County time or premises is prohibited. An employee shall not report to work under the influence of alcohol or cannabis. Any infraction of this regulation will be subject to discipline. (See also Drug Free Workplace)
17. Foul language, profanity, swearing and sexually explicit language to any fellow employee or member of the public.
18. Lying or giving any false or misleading information in the performance of their official duty.
19. Sexual Harassment (See Section #4.006)
20. Violation or disregard of any County Policy

Section: Attendance & Standards of Conduct	Issue Date: 12/18/92	Section # 4.007
Subsection: Drug Free Workplace	Revised Date: 5/11/21	Page 1

In 1988, Congress passed a Drug Free Workplace Act. The Washington County Board of Supervisors passed Resolution #376 on December 18, 1992, adopting the County's Drug Free Workplace Policy. Under the law, employers must maintain a drug-free workplace or risk loss of governmental funding. Loss of funding would mean loss of services and loss of jobs. To avoid this situation, the law says we all have to work together to ensure that we have a drug-free workplace.

The law requires us to make you aware of the dangers of drugs in the workplace. Drugs can:

1. Make you feel able to handle tasks that are too much for you.
2. Make you forget important safety procedures.
3. Throw off your sense of time, space and distance.
4. Cause lateness or absenteeism, increasing the workload of others.
5. Cause crime on the job, including theft of your personal property.
6. Cause major errors.
7. Severely impair your ability to deal with stressful situations.

Your rights and responsibilities under the Drug-Free Workplace Act:

1. You have to read and understand our policy statement.
2. You have to agree to abide by the rules of our Drug-Free Workplace. We can discharge you if you don't.
3. You have the right to know what help is available to aid you in overcoming an involvement with drugs.
4. If you are convicted of a criminal drug violation in our workplace, you have to tell us within five days after the conviction.
5. If you are convicted, we may offer a program to help you instead of disciplining you. If you agree to accept help, you must satisfactorily complete the steps agreed on or risk losing your job.

Washington County's responsibilities under the Drug-Free Workplace Act:

1. We have to tell you that you cannot bring in, make, distribute or sell, use or even have with you drugs when you are here.
2. We have to inform you of the dangers of drugs in the workplace.
3. We have to provide you with our written policy (Reference B.O.S. Res. #376 of 12/18/92).
4. Within 30 days of your telling us about a work-related conviction, we must either:
 - a. Discipline you up to discharging you or
 - b. Offer you any help available to combat your involvement with drugs.

Section: Attendance & Standards of Conduct	Issue Date: 12/18/92	Section # 4.007
Subsection: Drug Free Workplace	Revised Date: 5/11/21	Page 2

POLICY

1. **Covered substances:** This policy covers the following substances:
 - a) alcoholic beverages of any kind
 - b) cannabis of any kind (i.e. edibles, vape pens, etc.)
 - c) controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession or transfer is restricted or prohibited by law.

2. **Exceptions:** Drugs prescribed by a physician, dentist or other person licensed to prescribe or dispense controlled substances or drugs used in accordance with their instruction are not subject to this policy. However, employees are prohibited from using substances, drugs or medicines that cause drowsiness or other side effects that may impair an employee's capability to perform the job properly and safely. Each employee is obligated to inform that person's immediate supervisor or department head of the use of any such medications.

3. **On County premise use:** The following activities are prohibited while an employee is on the County's premises or otherwise engaged in County business:
 - (a) The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug.
 - (b) Being under the influence of alcohol, cannabis, or illegal substances during business hours.
 - (c) Performing duties while under the influence of alcohol, cannabis, or controlled and/or illegal substances whether on or off County premises. An employee who engages in such behavior will be subject to disciplinary action, up to and including immediate dismissal, or as a condition of continued employment, may be required to successfully complete drug or alcohol abuse counseling or rehabilitation if necessary.

4. **Off County premise use:** The following actions, even if not occurring on County premises or during working hours, are considered to endanger the County's reputation for honesty, integrity and safety.

Section: Attendance & Standards of Conduct	Issue Date: 12/18/92	Section # 4.007
Subsection: Drug Free Workplace	Revised Date: 5/11/21	Page 3

(a) Indictment or conviction for criminal offenses related to the manufacture, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs.

(b) Any other actions involving alcohol, cannabis, or controlled or illegal substances that, in the opinion of management, endanger the County's reputation for honesty, integrity and safety. Any employee who engages in these activities may be subject to disciplinary action, up to and including immediate dismissal. Employees who are convicted of controlled substance related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the County in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, including termination from employment.

5. Counseling: Any employee who wishes to receive information about counseling, rehabilitation, and the County's employee assistance program may request the information from the Personnel Director.

TESTING

The County maintains a substance abuse testing policy of commercial driver's license (CDL) holders pursuant to federal law. Those persons to be tested will be notified by their department head of application of the policy and the testing schedule.

Resolution No. 376 Dec. 18, 1992
By Mr. LaPointe

TITLE: Establishing a Policy and Notice in accordance with the Drug-Free Workplace Act of 1988

WHEREAS, Congress passed the Drug-Free Workplace Act of 1988, requiring grantees of federal agencies to certify that they will provide a Drug-Free Workplace, and

WHEREAS, making the required certification is a precondition for receiving a grant from a federal agency; now, therefore be it

RESOLVED, that employees of Washington County are herewith notified of the following:

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace. Employees who violate this prohibition shall be subject to discipline in accordance with relevant provisions of the Civil Service Law, the Collective Bargaining Agreement covering the person's employment, or such other personnel policies as may relate to the individual's employment. Depending upon the circumstances of a violation of this notice, disciplinary action may result in termination of employment, or such other action as is deemed appropriate, including requiring the employee to satisfactorily participate in an approved drug rehabilitation program. Employees are required to abide by the terms of this policy and must notify the employer, through the employee's department head, of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction,

and be it further

RESOLVED, that department heads are required to notify the federal grantor agency with ten (10) days after receiving notice of any employee convicted of any criminal drug statute for a violation occurring in the workplace. The department head is required to take appropriate personnel action within thirty (30) days, up to and including termination, against any employee who violates policy, and be it further

RESOLVED, that the Personnel Office shall be responsible for coordinating the implementation of the Drug-Free Workplace Act with the assistance of the Mental Health, Employee Assistance, Drug Abuse and Alcoholism Agencies.