

BOARD OF WORKS
TUESDAY, NOVEMBER 25, 2014
5:15 P.M.

Mayor Ryan Daniel – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Marcia McNagny – Present
Daniel Weigold – Present
Walter Crowder – Present

The Columbia City Board of Works met in regular session with all members present, Mayor Daniel presiding.

MINUTES Motion was made by Weigold to approve an overview of the November 11, 2014 meeting minutes as presented, Crowder seconded the motion, all voted aye.

BREAKER REPLACEMENT PROJECT This issue was postponed until the December 9, 2014 meeting.

310 N. WALNUT OVB VIOLATION – UPDATE Tim Longenbaugh reported that Officer Yorg posted a sign as requested by the Board and within the 10 day period the homeowner mowed and cleaned up the property. He was unsure if he has paid his fines. Rosie Coyle advised he has not paid his tickets.

EMPLOYEE TERMINATION APPEAL Mayor Daniel shared there was an employee disciplinary matter before the Board of Works. He advised Ben Romine was present and was serving as his proxy for this particular matter. He explained by virtue of an appeal submitted by a terminated employee, the Board of Works was asked to review the discipline issued. He stated the Board has provided the employee with an opportunity to be heard, reviewed the report of HR and have asked questioned of witnesses they deemed pertinent to the matter. He advised because no decisions can be made outside of a public meeting the Board would determine whether they support the discipline of the employee or not; the decision may take several steps depending upon the results of the vote taken. He added that the review of the discipline issued to the employee in no way waives the employment at-will status as defined in the employee handbook.

Mayor Daniel advised the first decision would be to determine if the discipline of the employee was supported by the Board of Works and asked if anyone would like to move to affirm the discipline that was issued to the employee.

Motion was made by Crowder to support and affirm the decision to terminate. Due to the lack of a second the motion died.

Mayor Daniel advised since it was elected not to support the discipline issued to the employee the next determination needs to focus on whether the Board of Works recommends any discipline, at all, of the employee. Mayor Daniel questioned if any one wished to move to support some form of discipline for the employee.

Motion was made by Weigold to support some form of discipline for the employee, Ben Romine seconded the motion, Weigold and Romine voted aye, Crowder was opposed.

Mayor Daniel advised since it was determined that some form of discipline should be issued to the employee the floor was opened for discussion regarding what discipline is suggested.

Dan Weigold felt there were a number of obstacles in this situation. He would like to look at the number of days he has currently been off; they have evaluated a lot of different things and talked about this for just about 4 hours. He was amazed how this got to this point but suggested at least 16 days suspension without pay and then look at

what happens when he comes back. He noted there was also an obstacle with the license. Ben Romine concurred with that as well as he needs to report to HR the status of what his license is if he has not already.

Mayor Daniel confirmed the recommendation would be 16 day unpaid suspension with the demand that the employee; Ben Romine advised it was a requirement. Mayor Daniel confirmed the Board was requiring the employee to report to HR the status of the license. Ben Romine advised that was correct. Mayor Daniel questioned if that was for the current or ongoing status of the license. Ben Romine advised it would be current and ongoing because it was a requirement of the position from what HR has indicated.

Dan Weigold stated the next question was, without that license, could the employee maintain the position and felt they would need to look at how that has to be broken down and what he is able to do without that license.

Walt Crowder advised the ruling was not to support the termination and questioned at this point shouldn't it be turned back over to HR for their recommendation, instead of the Board trying to figure out what was appropriate. Crowder assumed there were legalities. Attorney McNagny advised they could turn it back over to HR or request a recommendation of HR. Mayor Daniel posed a follow up question that if the employee decided to appeal the HR's decision on discipline at that point, would it come back to the Board of Works. Attorney McNagny advised it would.

Motion was made by Weigold to turn this back over to HR to see where this falls into the guidelines of falling back into some kind of normality on how this department could work, Romine seconded the motion.

Mayor Daniel clarified this was with the requirement that any kind of changes in licensure has to be reported to HR. Romine and Weigold concurred. Mayor Daniel confirmed that was part of the motion. Weigold advised it was.

Mayor Daniel restated the motion that this matter be turned back over to HR to determine a suitable length of time for unpaid days off and that the current status as well as any kind of status changes must be reported to HR in a timely manner.

Upon the call of the motion, two affirmed and one was opposed.

BILLS Motion was made by Weigold to pay the bills as presented in the amount of \$9,011,168.32, Crowder seconded the motion, all voted aye.

Having no further business to come before the Board the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle