

City of Rock Springs)
County of Sweetwater)
State of Wyoming)

City Council met for a workshop on March 29, 2018. Mayor Demshar called the meeting to order at 6 p.m. Members present included Councilors Glennise Wendorf, Rose Mosbey, Billy Shalata, Rob Zotti, Tim Savage, David Tate, and David Halter. Councilor Jason Armstrong was absent from the meeting. Department heads present included Dwane Pacheco, Richard Beckwith, Steve Horton, Jim Wamsley, Paul Kauchich, Dave Lansang, Matt McBurnett, and Kara Beech. The pledge of allegiance was recited.

DISCUSSION OF PROPOSED ORDINANCE 2018-04—*An Ordinance amending Section 1-604(c) of the Ordinances of the City of Rock Springs entitled “Adopting the Personnel Policies and Procedures Relating to City of Rock Springs Employees” and adopting revised Personnel Policies*

Richard Morgan, District Representative for the U.M.W.A. stated that he was not in attendance to bargain for the union. He stated that the U.M.W.A. contract has “just cause provisions” and those employees are not at-will employees. He requested that language be added to *Section 103, At-will*, stating this is so. Also, the union contract overrides the new policies and procedures. He stated that any provisions not covered by the union contract could be bargained for.

Les Mauch, had questions regarding several sections of the new policies. In *Section 309(a)(4) Termination of Employment*, he stated that he did not believe that accrued, but unpaid vacation benefits could be withheld, citing State Statute 27-4-507(c). He also questioned why there were different time frames for giving resignation notices.

Mayor Demshar stated that the reason for the different time frames is that some positions are more difficult to replace and more time is needed to do the recruitment.

Les Mauch stated that the At-will section conflicts with the disciplinary procedures that are in place in the policies. It also causes mistrust between the employees and employer.

Councilor Shalata agreed that there are safety nets in place to protect the employees. He did not like the implications of at-will.

Sandy McJunkin requested that future visions to the policies continue to be done by ordinance and not resolution. Ordinances are rules and resolutions are a mere expression of opinion. Ordinances also allow for the opportunity to review, before being passed.

Mayor Demshar stated that he supports the policies being done by ordinance, but the city is one of a few, if not the only one, that changes these policies by ordinance and not resolution. He sees an ordinance as a living document that can be revised when needed.

Cathy Greene noted that there were some contradictions in the amount of time required to give notice for not coming to work. One place stated a specific time and the other said a reasonable amount of time.

Mayor Demshar stated that this should be left up to the department heads as work schedules are different as well as the types of services provided.

Cathy Greene felt there was a contradiction in the accrual of vacation or sick leave after an employee had been on leave for a period exceeding 30 days. She cited *Sections 804(e)* and *816(h)*. She also noted that *Section 804(f)* referred to *Section 817*, when it should actually be *Section 816*.

Cathy Green clarified that *Section 815(c) Other Benefits*, should read “membership to the employees at the Rock Springs Recreation Center, Civic Center and the White Mountain Golf Course.”

Darren Johnson, U.M.W.A. 4893 Local President, stated that there is a lot of good stuff in the revised policies, such as the Drug and Alcohol Testing, Military Leave, Use policies, and Prohibiting Retaliation. He felt that changes to the policies through Resolutions were a major concern. He stated that while there is an At-will section in the policies, the document goes further and shows that the governing body is going over and above law and statutes to protect its employees.

Richard Morgan requested that *Section 303 Policy Prohibiting Retaliation* include wording that addresses concerted activities protected by the National Labor Relations Board. He also thought that the wording in *Section 901 Conduct, Outside Employment, Privileges* is too broad, giving the discretion for outside employment to the Department Head. He thanked the governing body for hosting this workshop and giving the employees an opportunity to have their voices heard.

Kyle Schuler voiced his concern that *Section 101(a) Purpose and Scope* no longer includes the wording “In order to insure that principles of merit, equity, and strict individual accountability for employee conduct form the basis for all personnel action.” He also felt that the statement reading “Nothing in these personnel policies is intended to create a contract of any type between the city and its employees” could allow the At-will to override the policies.

Mera Souare voiced her concerns about *Section 309(b)(2) Termination of Employment, Involuntary Termination*. She stated that there was no provision made for an employee to explain him/herself before termination—only after the fact.

Kara Beech stated that in *Section 906(b) Disciplinary Actions*, the employee is given an opportunity to respond and give his/her account of the facts.

Mera Souare stated that if the problem is with the Department Head, and the employee is At-will, then the employee will not have the opportunity to respond.

Councilor Savage stated that it is obvious that the city is not planning to just fire employees. He asked if the loss of productivity and drop in morale has been worth it since the revisions to the policies have been proposed. He stated that the At-will section appeared to be a conflict with the rest of the document.

Councilor Zotti stated that he has seen totally At-will documents for employees, but this is not the case. However, he understood the employees’ concern.

Mayor Demshar stated that he could understand the anxiety when the At-will is taken out of context. However, it is not the goal of the governing body to arbitrarily dismiss people. He thanked everyone for their input, and stated that some amendments may be offered to the ordinance on second or third reading. He encouraged employees to make an appointment with him to discuss any additional concerns they had.

ADJOURNMENT

There being no further comments or discussion, the workshop adjourned at 6:58 p.m.

By: _____
Council President

ATTEST:

City Clerk

Mayor