

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....May 23, 2011

► Minutes: Beth Perkins

► The Board met with Civil Counsel Karen Mahar regarding procedures for personnel matters at 9:00 a.m. Present were Civil Counsel Dan Browder, Human Resource Director Robert Jenni, Lee Tickell and Maggie Wright.

Commissioner Iman opened the meeting and requested disclosure of conflicts of interest. Hearing none, he then requested the County Attorney Staff Report be read.

Karen Mahar reviewed the current employment laws and policies with the Board focusing on “at will” employment and appointments. The Personnel policy is a contract between employer and employee with the exception of independent contractors. She then reviewed the statutory laws within the policy such as Leave, Military Leave, Cash in Lieu of Insurance, and the procedure for amendments. Robert Jenni discussed the need to amend certain sections of the Personnel policy and sent a draft for County Attorney review. The next step is to make those changes and have it reviewed by MACo. Dan Browder discussed how both federal and state bodies govern the employer and employee relationship. It is different for collective bargaining units as it adds another layer of law. Collective Bargaining Agreements do take precedence over the Personnel policy. The Board requested a draft of the changes to the Personnel policy by the end of June and a new Personnel policy by the end of the year.

Karen then discussed the recruitment and hiring policy for the County and public employment issues such as break periods. There is a federal guideline that break periods of fifteen minutes should be available for every four hours worked. She discussed flexible

hours and how an employee can't save their breaks and work through lunch to leave an hour to an hour and half early. Commissioner Foss expressed her concern with documenting the employees who refuse to take breaks and who continually work through lunch breaks.

If an employee has a medical issue, the department head may require medical certification in order for the employee to return to work. Communication is needed to clearly understand the policies. Compensation time issues come up which is different for salary versus hourly employees. It is a wage and overtime law and therefore, the employee is entitled to compensation time. The question remains is when it can be used and that is at the employer discretion with advance notice.

Karen Mahar reviewed the policy for both salaried and hourly employees and employment terms. Commissioner Kanenwisher discussed the need to reinstate performance reviews for employees. Karen replied the policy does state reviews can be conducted as deemed necessary. You can add to the policies but you can't contradict the existing policies.

Commissioner Chilcott called for any public comment, hearing none. He then requested any public comment for any items not on the agenda. Again hearing none, he then adjourned the meeting.

► The Board met for approval of the modification to the Forest Service Participating Agreement and approval of the RAC Floating Weed Pull at 10:00 a.m. Present were Weed Supervisor Kelliann Morris, Forest Service Representative Gil Gale, Lee Tickell and Maggie Wright.

Kelliann Morris reviewed the current Forest Service Participating Agreement and requested a modification to accept an additional \$50,000. **Commissioner Kanenwisher made a motion to approve the modification to the Forest Service Participating Agreement by Chair signature. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

This is the third year to host the Weed Pull and Kelliann has received funding for it. **Commissioner Kanenwisher made a motion to approve the grant for the Floating Weed Pull with subsequent review from the County Attorney for indemnification. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

► The Board met for discussion in order to provide Commissioner comment on the Forest Service thinning project at Lost Trail Powder Mountain Ski Area at 11:00 a.m. Present were Ravalli Republic Reporter Whitney Bermes, Lee Tickell and Maggie Wright. Commissioner Iman was not present for this meeting due to a personal matter.

Commissioner Chilcott reviewed the proposed thinning project at the Lost Trail Powder Mountain Shi area in effort to prevent future impacts from the mountain pine beetle and

wildfires. Commissioner Kanenwisher suggested drafting a comment letter and submitting prior to the June 13th deadline. **Commissioner Foss made a motion to issue a letter to the Forest Service for the thinning project at Lost Trail Powder Mountain Ski Area. Commissioner Kanenwisher seconded the motion and all voted "aye". (4-0)**

► The Board met to discuss and decide on I.T. policies at 1:30 p.m. Present were I.T. Director Joe Frohlich, Civil Counsel Karen Mahar, and Civil Counsel Geoff Mahar.

Civil Counsel Karen Mahar gave a review of the draft policies to the Board. Joe Frohlich explained that many of these policies are from a combination of adopted Federal, State and other County policies. Discussion followed regarding personal accounts and Smartphones.

Joe Frohlich listed 11 policies for employees including an acknowledgment page that will part of a new hire standard paperwork. These policies include internet usage; email usage, non-County devices that plug into the network, remote access, and password security.

Commissioner Foss expressed the need for a deadline for implementation. The Board concurred.

Ravalli County Attorney

205 Bedford Street, Suite C ♦ Hamilton, MT 59840 ♦ (406) 375-6750 ♦ Fax (406) 375-6731

County Attorney:

Bill Fulbright

Deputy Attorneys:

**John Bell
Daniel Browder
Karen Mahar
T. Geoffrey Mahar
Angela Wetzsteon**

Agenda for BCC meeting on procedures for personnel matters

May 23, 2011, 9:00 am
Commissioners Meeting Room

- 1) Open Meeting
- 2) Disclosure of conflicts of interest
- 3) Attorney Staff Report:
 - Current Employment Laws and Policies (Dan, Karen & Robert)
 - Public Employment Issues (Karen)
 - How Collective Bargaining Agreements affect Personnel Issues (Dan)
 - Resources (Karen)
- 4) Public Comment
- 5) BCC review of any written comment submitted
- 6) BCC discussion & questions
- 7) Public Comment on Items Not on Agenda
- 8) Adjournment

