

MINUTES OF A WORKSHOP HELD ON MONDAY, JANUARY 10, 2022, AT 5:00 P.M. IN THE COUNCIL CHAMBERS OF THE SINCLAIR TOWN OFFICE BUILDING.

COUNCIL MEMBERS PRESENT: Mayor Leif Johansson, Council members Phyllis McWhorter, Victoria Gabelson, and Michelle Serres.

TOWN EMPLOYEES PRESENT: Clerk/Treasurer Ashley Masselink, Assistant Treasurer Izabela Tysver, Maintenance employee Roger Chizek, John Laux and Jason Black, and Police Chief Jeff Sanders.

Mayor Leif Johansson called the workshop to order at 5:00 to discuss, review and update Town Employee Guidelines.

Mayor Johansson started with updating and amending the guidelines with adding the resolution about military leave. The town's guidelines did not state anything in that regards. The Council agreed to add the following statement from "Military Leave for Public Employees in Wyoming" act: "[...] shall be given a military leave absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar year to perform service in the uniformed services in addition to any other leave or vacation time to which the person is otherwise entitled" to the Chapter 3, Section 3.5, Subsection C "Pay for Civic Duty". Anything over 15 calendar years, the employee will need to use his personal leave or leave of absence without pay. Mayor Johansson asked to make this as resolution to be read for the first time at the next council meeting on January 20, 2022.

Assistant Treasurer Izabela Tysver started off with explaining the difference between "guidelines" and "policies" indicating that "guidelines are general recommendations [...] and employees who don't follow it usually don't have anything happen to them. Policies are formalized requirements that are [...] mandatory. Employees who violate a policy may be disciplined or even fired." Even though the town's guidelines are written and worded in a way to be a policy, however, it is not clearly stated that way throughout the guidelines. The Council agreed to change the Town of Sinclair "Guidelines for Employees" into "Town of Sinclair Policy for Town Employees." The word "guidelines" in the entire document will need to be changed to the word "policy".

The Council and gathered employees went through the guidelines chapter after chapter.

Then the Council and all gathered move to Chapter 1 of the Town Employee Guidelines. There were no major changes and updates made in Chapter 1, except for changing the word "guidelines" in the entire document to the word "policy". Mayor Johansson decided that it will be easier to make the resolution to the title of this document as well as all collected changes as one resolution and he asked to stick with only one resolution so far, about the military leave.

Mayor Johansson asked the maintenance employees if they have the safety rules and regulations posted in their workshop. According to Chapter 2, Section 2.9 – Safety – such rules and regulations need to be posted and Head of Departments are required to do periodical inspections.

Councilmember Serres brought to the attention the Use of Town Property in Chapter 2, Section 2.8. That section does not need to be changed. However, Tysver asked if we need to add the information about Fringe Benefit to this section. The Fringe Benefit for Public Works except for law enforcement was required to be added in this section.

Clerk/Treasurer Ashley Masselink asked about the Section 2.5 – Outside Employment and wanted to clarify the difference between volunteer and employee and their payment situation. When the fire volunteer will be called out to the fire while on duty as a town employee, the volunteer will not get paid for that time, even if the call was for the fire in town.

Assistant Treasurer Izabela Tysver brought to attention another aspect of volunteering. There is a difference between volunteering and working for different versus the same agency/organization. The "Managing Volunteer Firefighters for FLSA Compliance" document states clearly the difference between a bona fide volunteer for a separate and the same agency. Masselink read the definitions from that document. Mayor Leif Johansson and councilmember Serres thought that it would be important to put that in the Chapter 3 - Benefits - of Town Employee Guidelines.

Mayor Johansson asked Sanders about if there are any new prohibited and illegal substances that may need to be added to the list in guidelines. In the Section 2.14, Subsection B1 there is point "o. other controlled substances" covering any other illegal substances not listed in the guidelines. Sanders suggested to add the statement that in case of any injuries and accidents that happened on the work, the Town, at the expense of the Town, may order the drug test of the Town employee.

The Section 2.15 – Report of Sexual Harassment needs to be fully updated because it changed since the last amendments to the Town Employee Guideline in 2004. Tysver mentioned also that the entire chapter addressing the discrimination is missing and needs to be added, too. It was suggested to look at other town’s policies and get suggestions from Town Attorney Mike Roberts to update that section. The Council will revisit these sections.

The Section 2.16 – Employee Training was suggested to be slightly updated. The first statement says that “the mayor and department heads may establish appropriate training programs for Town employees” and was suggested to change the word “establish” into “suggest/approve.”

Next, Mayor Johansson moved to Chapter 3. Councilmember Serres mentioned that the Chapter 3 will need lots of clarifications. For instance, in the section 3.2, Subsection B – Use of Sick Leave – it would be necessary to specify who is the immediate and non-immediate family member and address all the living situations. Mayor Johansson mentioned that going through Chapter 3 and 4 it may be necessary to have Town Attorney Roberts to assist with.

Masselink brought up the issue of what town’s work week is. The Town Employee Guidelines states clearly in the section “Definition” #45 that the work week is “seven consecutive twenty-four-hour periods within which a five (5) day, forty (40) hour work week. It starts on Monday 12:01 am and end on Sunday at 12:00 pm.”

Next, Mayor Johansson moved to the Section 3.6 – Paid Holiday Leave. Tysver mentioned that the number of Holidays is federal and state dependent. It is important to include the Holidays that are approved by Wyoming. Also, when working on a Holiday, the town’s employee gets paid time and a half for 8 hours. When the employee takes that day off, they get paid for 8 hours. Except for Police Department, they get paid 10 hours. The town’s guidelines listed eleven (11) Holidays and one (1) “floating” holiday day. The Council decided to remove the Good Friday from the list of town’s Holidays and keep one (1) “floating” holiday.

In Section 3.13 – Travel and Other Official Expenses – the sentence “no more than two hours of regular pay will be paid to an employee for traveling to and from a seminar or school outside of regular working hours” to be removed as it cannot be applicable to Wyoming conditions and situation.

Councilmember Serres suggested that we ask Town Attorney Roberts to help us with Chapter 5 as well. In Section 5.7 – Disciplinary Action and/or Termination, Subsection 2 – the word “abusive language” will need to be expanded to include everyone.

Tysver asked about adding into the Section 3.6 – Paid Holiday Leave the statement that “holidays that are falling on day off should be taken on the closest working day”. Major Johansson proposed to create the new policy for Police Department, however, that may take more time than anticipated. As of now, the policy is incomplete.

Police Chief Sanders decided to add a few details into this part, He mentioned that as a Police Department they cannot take Holidays as regular employees. They can, however, move them to another days upon Mayor approval. And according to him Holidays cannot be taken on earlier day before they are earned, they can only be taken after the Holiday was earned – which is against what any employer in this country does. Sanders explanation to that is that the Police Department works 7 days a week, even though they do not because there is no officer on duty on Sunday.

The discussion went on and wasn’t resolved. Mayor Johansson mentioned that the schedule and other aspects of Police Department working aspects will need to be looked at.

The Maintenance Department will start on-call duties during weekends and Holidays, starting in January 2022. Also, starting January 2022 the Payroll Department will start accruing vacation for all employees.

Mayor Leif Johansson adjourned the workshop at 6:33 p.m.

Leif Johansson, Mayor
TOWN OF SINCLAIR

ATTEST: CLERK/TREASURER