

**SAN JUAN COUNTY COMMISSION MINUTES
APRIL 28, 1986**

The San Juan County Commission met in regular session on April 28, 1986, at the hour of 10 a.m. at the San Juan County Courthouse, Monticello, Utah.

The following members were present: Commissioner Black, Chairman
Commissioner Bailey
Commissioner Holliday

SOUTHWEST HEALTH MANAGEMENT - COUNTY HOSPITAL

The Commission met with LeRoy Rimback of Southwest Health Management Co., Inc. to discuss several different proposals for the county hospital. Mr. Rimback said he would send a management/contract and a lease/sale proposal to the Commission for them to review.

NURSING HOME - SUPPLIES - PHYSICIAN GROUP - EMPLOYEES BENEFITS

Supplies: John Fellmeth, deputy auditor, said Rayburn Jack, nursing home administrator, had some questions about how the Commission would like to handle the supplies in the nursing home. Kamar Medical Management Services, Inc. is going to purchase the supplies from the county which are defined as: all the food and medical supplies. Commissioner Bailey said the linen was excluded and the medicine is owned by the doctors.

Physicians Group: The Commission agreed the Physicians' Group billing should be moved to the courthouse and all bills for April will be sent out by the Clerk's office.

Employee's leave time: Mr. Fellmeth asked how the Commission is going to pay the nursing home employees their accrued benefits. The Commission said they would like to hold a special meeting to review and approve each employee's benefits.

Billings: Mr. Fellmeth said he would like to supervise the nursing home billings after May 1 for a couple of weeks. Gail Johnson, clerk, said she is concerned about the accounts receivable being collected by another employee other than the county. Commissioner Bailey said Kamar is going to collect the money for the county and deposit it in the present nursing home account. On May 1 the nursing home bank signature cards and checking will be changed to the present county employees. The Commission said that by virtue of the agreement between the county and Kamar they share a responsibility until the final sale.

Capital trust fund: Mrs. Johnson said she is concerned about the county setting up a trust fund for the earnest money received from Reuel McPhie. Commissioner Black said he feels the money should be put in a capital fund at the time of final sale. If the county has to buy the nursing home facilities back, there will be no problem. Mrs. Johnson said the money is presently in a revenue account and will stay until the final sale.

KELMINE CORPORATION - LISBON VALLEY COPPER PROJECT

Mel Swanson, an employee of Kelmene Corporation, met with the Commission explaining the project that Kelmene Corporation is working on in Lisbon Valley. Mr. Swanson said the company is proposing to extract the sulfate copper through a bi-chemistry that takes 260 days to get 80% of the content out. Copper sulfate is used as a fungicide that is used on some fruits as a protector. This is a very steady market and they have already contacted a company in California to work with. Mr. Swanson said Kelmene has applied to the state for a permit and has received letters stating the deficiencies of their project and requested a more designed detailed outline. Mr. Swanson gave the Commission a copy of the final draft of their proposal they are submitting to the state. Mr. Swanson said Kelmene would like to sell Industrial Revenue Bonds for a large portion of the financing. Commissioner Black said there is a limit on these bonds now and are allocated by counties, cities and the state. The Commission told Mr. Swanson they would be supportive of any project that would create jobs and economic development in this area. Mr. Swanson said the state agencies have not been very helpful and has delayed their project. Commissioner Black told Mr. Swanson to have their attorney prepare a resolution for the Commission to review.

BEER LICENSE - BLUFF - JOHN LESTER

Gail Johnson, clerk, brought to the Commission an application for a beer license to John Lester of Lester's Corner in Bluff. Mrs. Johnson said Mr. Lester meets all the requirements and has several letters of reference. He has applied for a Beer Bond and will send it as soon as possible. Commissioner Bailey made the motion to approve the license and Commissioner Holliday seconded it. UNANIMOUS.

JACK TANNER - EMPLOYEE EVALUATION

Rick Bailey, Administrative Assistant, reported he met with Jack Tanner, UAC, last week. Mr. Bailey said Mr. Tanner evaluated all of the county job descriptions and interviewed some of the employees. Mr. Tanner will meet with the Commission in the future and give them his follow up and recommendations.

BILL HOWELL - DOUG PEHRSON - WILDERNESS

Rick Bailey reported that he and Doug Pehrson, county surveyor, met with Bill Howell, SEU-AOG, last Wednesday to go over the BLM proposed wilderness areas in the county. Mr. Bailey said Mr. Howell will get the information from Harvey Merrel, a consulting geologist, and prepare a presentation to submit to the EIS. Commissioner Black said he talked to Chauncey Pouwis last week and he is going to come down with the state wilderness sub-committee the first week in June. They will be looking at some of the county's wilderness areas, especially Cedar Mesa.

WILDERNESS ISSUE - PUBLIC MEETING

Commissioner Black said there needs to be a special meeting to discuss the BLM wilderness proposals in the county. The BLM is having a public hearing on the wilderness draft on May 7, 1986. It is very important that all school board members, teachers, cattlemen, miners, and anyone else these areas involve to write a response to the EIS opposing any wilderness. Commissioner Black said these people need to be made aware of how critical the wilderness issue affects the funding for education. Commissioner Black said that 95% of the revenue from state school trust lands comes from the sub-surface and any land that is made wilderness does not yield any money from that source. If education is in fact the most critical funding need in Utah, then the number one aspect right now is the wilderness issue. The public needs to respond specifically to the EIS in writing on each separate BLM proposed area. The Commission authorized Rick Bailey to write a letter inviting the public attend a special meeting May 5 at 7:30 p.m. in the courtroom at the courthouse. The Commission encourage the public's input and information and will be prepared to demonstrate how to give a public testimony or written response to the EIS. Doug Pehrson, county surveyor, will also be present to help with showing the roads this includes.

JAN TREML - COMMUNITY NURSING SERVICES

Rick Bailey, Administrative Assistant, said Jan Tremel, Community Nursing Services, and her associate will be down tomorrow to start with the evaluation of the county's home health. Mr. Bailey said he and John Fellmeth, deputy auditor, will meet with Ms. Tremel in the morning.

RECAPTURE LAKE - PARK SERVICES AND COUNTY ROADS

Rick Bailey met with Ed Sherick, BLM, with some concerns about the Recapture Lake. Mr. Bailey said San Juan Water Conservancy District will be unable to receive a grant to construct recreation services at the

lake. The Commission told Mr. Bailey to write a letter to the Recreation Committee outlining the status.

RECAPTURE LAKE - ROAD

Commissioner Bailey said it is the road department's opinion that the road the county built at Recapture Lake to access the LC Ranch is going to be inundated by water. The road department built the road on the information the San Juan Water Conservancy District provided them (the elevation to set the culvert) and built the road as requested by the conservancy district. Commissioner Bailey said he instructed Bernal Bradford to write a letter to the conservancy district and Erve Guymon stating the county is not going to take any responsibility for this road.

EMPIRE ELECTRIC - LIGHTS - BASEBALL FIELD

The Commission delegated Rick Bailey to sign the work order with Empire Electric to turn the lights on at the Monticello Baseball fields.

AMBULANCE - COUNTY

Rick Bailey will be responsible for the county's ambulance effective May 1, 1986.

ROADS - OIL COMPANIES

The following met together to discuss the roads:

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|------------------|--------------------------|
| Bob Turri | BLM |
| Bill Brown | Meridian Oil Inc. |
| Steve Jones | Meridian Oil Consultant |
| Ken Bailey | San Juan County |
| Merz Hugentobler | San Juan County |
| M.N. Hickman Jr. | MCOR Oil & Gas |
| Jim VanGilder | Marathon Oil Company |
| Ralph Tronstad | Marathon Oil Company |
| Jerry Holliday | San Juan County |
| Doug Pehrson | San Juan County Engineer |
| Bernal Bradford | San Juan County |
| Gene Presley | The Permian Corporation |
| Rick McClure | BLM |

Commissioner Bailey said the oil companies reported their budgets are being cut and are willing to work with the county to help maintain and build the roads. Commissioner Bailey said that one of the problems is the road at Richard Perkins, it was decided they will have to cross it. Also, the road at Cross Canyon is a main problem for an oil company. They want to keep hauling the oil on a regular basis and need an all-weather road. Commissioner Bailey said the county in corporation with the oil companies have decided to build a new road instead of installing a bridge across Montezuma Creek. The road will be from Cross Canyon down the east side of Montezuma Creek to the bridge near Hatch. The county will hire an archaeologist to clean out the ruins, and Doug Pehrson, county surveyor/engineer, is going to design the road. The oil companies have agreed to pay a large percentage of the finance and the county will do the work. This road will be put on the B road system.

LAW ENFORCEMENT SERVICES (Agreement No. UT 916-MA6-432)

Sheriff Rigby Wright met with the Commission to ask approval on an agreement for Law Enforcement Services between Moab District - BLM, Manti LaSal National Forest, and San Juan County Sheriff Dept. This agreement provides for the protection of persons and property on the public lands and roads administered by the BLM and Forest Service. Commissioner Bailey made the motion and authorized Commissioner Black to sign it. Commissioner Holliday seconded it. UNANIMOUS.

SAN JUAN COUNTY RESIDENTS - SPANISH VALLEY - GRAND COUNTY

The Commission would like to make a statement on the rumors that San Juan County would not oppose an annexation of land in Spanish Valley to be annexed into Grand county. The Commission say the decision was made by the Commission, that unless there is overwhelming evidence presented to the Commission, to the contrary, they are opposed to any land in San Juan County being annexed into Grand county. The county does not object to providing services to the residents in Spanish Valley and have a co-operative agreement with Grand County fire district and pays them for providing this service. The county intends to continue providing services to the residents of Spanish Valley the same as they do for other residents in the county.

BIDS - CRUSHING GRAVEL AT LEM'S DRAW

The following bids were received for crushing gravel at Lem's Draw.
Fuller Construction - \$342,400
Skelton Inc. - \$377,950
Jerry Holliday Construction - \$470,000
Burnett Const. Co - \$387,500

The bid was awarded to Fuller Construction for the low bid. The gravel is expected to last two years. Doug Pehrson will contact Mr. Fuller and request they begin crushing soon.

AIRPORT - GOULDINGS

Commissioner Holliday reported that the Navajo Tribe will not make land available for an airport site because of objections from a permittee.

NURSING HOME UNDER NEW MANAGEMENT OPERATION OF KAMAR

Commissioner Bailey made the motion that since the county nursing home will be under the management operation of Reuel McPhie, Kamar Medical Management before the next Commission meeting, the Commission assign John Fellmeth to be the county representative and oversee payments of invoices the county owes. Also included with the motion, the Commission authorizes Mr. Fellmeth and Rick Bailey the total responsibility of the nursing home checking account and will be the signatories on the account. Commissioner Holliday seconded it. UNANIMOUS.

Commissioner Bailey made the motion that no payments will be made to employees for fringe benefits until all employees have made the determination as to their disposition of earned benefits. Also, these will need to be reviewed and approved by the Commission. Commissioner Holliday seconded it. UNANIMOUS. The Commission authorized Rick Bailey and John Fellmeth to collect all the county credit and gas cards held by nursing home employees.

GOVERNOR'S ADVISORY COUNCIL

Commissioner Black reported on the phone call he received from Bill Howell during the meeting. Mr. Howell said that last week at the Governor's Advisory Council, Joan Gregorron, a state agent, and Rod Millard made a presentation on designating the Colorado Plateau as a International Thematic Park. This means it will get international recognition. It would also give the Green Peace and the protectionist people more reason for preservation of the area. Commissioner Black said this affects all of the four corners area and others. Jimmy Walker, Grand County Commissioner, made an amendment to the fact that the counties involved should have a say but it still passed unanimously. Commissioner Black said he asked Mr. Howell

to check with the other Commissioners of the four counties that are on the AOG board and with their approval write a strong letter to the Governor's Advisory Council opposing this action. Commissioner Black said this is dangerous to the county's economy.

UAC - MULTI-COUNTY APPRAISAL TRUST

The Commission received a proposal from UAC for creating a Multi-County Appraisal Trust for the purpose of assisting counties throughout the state in enhancing their capabilities to appraise all types of property for ad valorem tax. Commissioner Holliday made the motion on the county's participation in the Cooperation Agreement and authorized Commissioner Black to sign it. Commissioner Bailey seconded it. UNANIMOUS.

UAC - COOPERATIVE FINANCING - RESOLUTION 1986-4

Commissioner Bailey made the motion to approve the following resolution. Commissioner Holliday seconded it. UNANIMOUS.

RESOLUTION

WHEREAS, representatives of the County of San Juan, (the "County") have been advised of a proposal whereby counties would contract with each other to form a separate legal or administrative entity pursuant to the Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, such legal or administrative entity will be authorized pursuant to the Act to issue tax-exempt governmental obligations, the proceeds of which will be used to assist participating counties in their attempt to provide efficient governmental services for their citizens by making loans or by leasing property to such participating counties (the "Program"); and

WHEREAS, the County desires to indicate its interest in such a legal entity, subject to certain conditions precedent and/or stipulations as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the County as follows:

1. The County presently intends to consider participating in the creation of a separate legal entity under the Act, including the execution of a suitable cooperation contract with other participating counties, subject to further authorization by resolution of the governing body of the County.

2. Nothing contained herein shall create a pecuniary liability of the County or be construed as binding the County to further participate in the Program. This resolution is only a representation of current interest in the Program.

By /s/ Calvin Black
Title: county commission chairman

Attest:
By /s/ Gail Johnson
Title: clerk

BUILDING PERMITS

Commissioner Bailey made the motion to approve the following building permits. Commissioner Holliday seconded it. UNANIMOUS.

Clarence Rogers - Blanding
UNDC - Bluff
Marian Miller - Bluff
Chas Snyder - Ucolo
Wilderness Exped. - Bluff
Venice Denney - LaSal
Devon Hurst - Blanding

BIDS APPROVED - RECREATION

Commissioner Bailey made the motion to approve Sun Television Appliances, Inc. as the low bid on cash registers for \$148.00. The cash registers are for the swimming pools. Commissioner Holliday seconded it. UNANIMOUS. (The other bid was Sears for \$199.00)

OVERTIME AND COMPENSATORY TIME POLICY

The following overtime and compensatory time policy was approved on the motion of Commissioner Holliday and Commissioner Bailey seconded it. UNANIMOUS.

OVERTIME AND COMPENSATORY TIME POLICY

EFFECTIVE APRIL 15, 1986

No county employee shall be allowed to work more than forty (40) hours during a given work week without written authorization from his/her immediate supervisor or department head. Department heads should arrange schedules in such a manner that overtime can be avoided if at all possible.

San Juan County law enforcement personnel are under the 171 hours per 28 day work period as the maximum hour allowed.

There may be occasion when overtime cannot be avoided and the employee may receive compensatory time off in lieu of immediate pay in cash at a rate of not less than one and one-half hours for each hour of overtime worked. This practice is effective April 15, 1986. Department heads should not allow compensatory time off in lieu of immediate cash payment, unless overtime hours cannot be avoided.

The maximum compensatory time which may be accrued by any effected employee shall be thirty (30) hours, (i.e. not more than 20 hours of actual overtime worked) for those engaged in public safety, emergency response or seasonal activity and not more than fifteen (15) hours (not more than 10 hours of actual over time worked) for all other employees. An employee shall be permitted to use his accrued compensatory time within the same pay period time after it is requested if to do so will not unduly disrupt the operations of the department. No employee will be allowed to carry over more than ten (10) hours of compensatory time from one calendar year to the next calendar year.

SAN JUAN COUNTY'S TRAVEL POLICY

Commissioner Holliday made the motion to approve the following travel policy. Commissioner Bailey seconded it. UNANIMOUS.

SAN JUAN COUNTY'S TRAVEL POLICY

EFFECTIVE APRIL 21, 1986

The County's travel policy for approved travel is as follows:

IN-STATE TRAVEL

All In-State travel must be pre-approved by each department head.

OUT-OF-STATE TRAVEL

All out-of-state travel must be pre-approved by the County Commission. A "Request for Out-of-State travel" should be filled out and signed by the department head and brought to the County Commission for pre-approval. In the event of emergency travel that was not pre-approved, the Commission should approve the travel upon return. The approved request should then be attached to the expense report for reimbursement. Routine travel into the adjoining states as part of one's daily job does not require pre-approval.

REIMBURSEMENT

All employees are to request travel reimbursement on the Expense Report for travel. A copy of the report is attached to this policy. Request for reimbursement should be made in the month of the travel but should not be requested later than three months after the unaccrued travel.

MILEAGE

County Car--The employee will be reimbursed for expense as verified by receipts of gas, oil, and emergency auto services incurred during the trip, including parking fees.

Private vehicle--The employee will be reimbursed 21 cents (twenty one) per mile for business-related mileage.

Air Fare--The employee will be reimbursed for the cost of air fare as verified by receipt.

If a trip requires a combination of the above, reimbursement shall be computed at the lowest rate. An employee may select another option for his convenience, but reimbursement will be based on the lowest rate to the County.

Mileage will be allowed as follows: From Blanding to Salt Lake City, 630 miles round trip; from Monticello to Salt Lake City, 590 miles round trip; mileage around Salt Lake City in performance of County business will be reimbursed at the regular rate, but not to exceed 50 miles.

LODGING

County employees will be reimbursed for lodging at their cost for which a receipt must be attached to the expense report.

When an employee is staying in the following cities, they will be expected to use the following hotels/motels as the County has a special rate with direct billing.

SALT LAKE CITY

Shilo Inn 206 South West Temple 521-9500 \$32.00 Single/Double	Howard Johnsons 122 West South Temple 521-0130 \$34.00 Single \$39.00 Double
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Radission Inn 161 West 600 South 521-7373 \$35.00 Single \$40.00 Double	Rodeway Inn 280 West 7200 South 566-4141 \$29.00 Single NO DIRECT BILLING
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Downtown S.L. Travelodge
524 South West Temple
531-7100
\$28.00 Single

PROVO

Rodeway Inn
1292 South University Avenue
374-2500
\$30.00 Single

PARK CITY

Landmark Inn 6560 North Landmark Drive 649-7300 \$39.99 Single \$47.00 Double	January 7 through November 20 \$49.00 Single \$56.00 Double November 20 through January 6
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When an employee is accompanied by his/her spouse, expense incurred by the spouse must be born by the employee. Personal phone calls are also the responsibility of the employee and must be paid for when checking out.

MEALS

An employee will be reimbursed at the rate of \$12.00 per day for meals based on the following rate: Breakfast \$3.00, Lunch \$4.00, and Dinner \$5.00. These rates are not meant to cover

complete cost and are set to cover excess expenses incurred by the employee for having to eat away from home.

When a meal is included in the cost of tuition, fee, etc., for meetings, conference and workshops or other approved programs, the meal allowance will be reduced by those paid in the initial fee.

An employee will not be reimbursed for in county meals.

Guidelines for meals allowed:

1. When an employee leaves in the morning, his first meal eligible for reimbursement is the lunch meal.
2. When an employee leaves in the afternoon, his first meal eligible for reimbursement is the dinner meal.
3. When the employee leaves and returns the same day, all three meals will be allowed if the trip exceeds fourteen (14) hours.

ADJOURNED

There being no further business to discuss the meeting was adjourned at 4 p.m.

OPEN HEARING FOR MARTHA MCCANN

APRIL 28, 1986

Commissioner Black passed the time for the hearing of a complaint of Martha McCann a county employee. The Commission will listen to her grievance and allegations separately and will only consider issues that are relevant to this issue.

Those present were: Martha McCann, Mitch McCann (husband), Sheriff Rigby Wright, Diane Jackson-secretary sheriff's office, Phil Boulduc and Jack Mortensen (dispatchers), Lynette Palmer-secretary (Sheriff's office), the Commission, Rick Bailey, Bruce Halliday, county attorney, Karen Halls, deputy clerk.

PREGNANCY LEAVE AND RETURN

Commissioner Black: I understand the grievance concerns the alleged denial of pregnancy leave and return to work. Is that correct?

Martha McCann: It is basically a loss of wages resulting from the sheriff.

Commissioner Black: I understand the grievance is you took a leave of absence and was not given your original position when you returned.

Martha: I had lost my full time position. This is one of a number of discriminatory actions.

Commissioner Black: Will you present your grievances in order with dates and names?

Martha: On November 16, 1983, I notified Mr. Wright of my pregnancy and due dates. I began maternity leave on May 21, 1984, and on June 29 I notified Rigby Wright in person I was ready to return to work. I was told, at that time, by Mr. Wright, "that job is no longer available to you." And this was a result of discriminatory action, there had been no written notice of the job action given, no statement of the charges and knew of no opportunity to appeal. I was offered a part time job and Mr. Wright placed me on indefinite probation. I was not informed if this was related to the disciplinary action or related to beginning a new job. Because of this caused me to be intimidated. I felt I would be fired. The Sheriff's action made me appear incompetent and I did not dare apply for another job. On June 25 I began a part time job 5 to 10 p.m. When the paychecks arrived the salary was reduced, I was paid at the part time rate.

Commissioner Black: You mean that when you received your check after returning to work was earned income at a reduced rate.

Martha: I was paid \$5.12 per hour and should of been paid \$5.16 per hour. If I had earned leave time during the month on salary you accrue an hour yet none of these were paid.

Commissioner Bailey: When you were told by Mr. Wright your job was no longer available to you, did you accept that as being terminated?

Martha: It sounded like it to me - before the other job was offered.

Commissioner Bailey: When you accepted the part time job and being under indefinite probation did you feel subject to intimidation?

Martha: Yes sir, I did.

Commissioner Bailey: Did you feel too intimidated to contact one of the Commissioners.

Martha: It was suggested to me that I call the Civil Liberty Union in Salt Lake. I thought about it, but nothing was written down and it would be my word against the Sheriff's. I felt afraid to disturb the waters and thought if I went to the Commission I would lose my job.

Commissioner Bailey: How about the Civil Liberty did you feel the same way to? Did you feel someone would find out?

Martha: I was afraid of stirring the waters. I was working under the impression that I could change Mr. Wright's mind. Perhaps I could prove to him I was a good employee and he would give me another chance.

Commissioner Holliday: Why did you wait almost two years before bringing this up?

Martha: Because I felt I could indeed change Mr. Wright's mind and regain my reputation. After two years, I realize that not only have I not changed his mind he still considers me an inferior damaged employee. Some statements in the last months indicate this. I feel there is no recourse but to turn to the Commissioners.

Rigby Wright: When I hired Mrs. McCann I did not give the impression that Mrs. McCann was under any pressure to do all the work. The office work was behind and there were some things that had to be kept up to date. In November, I had to have Darlene Low come in for a week to again show Mrs. McCann how to do things. Papers were piling up and a lot of things were behind. And in February, Darlene Low had to come in again for a week to help get things caught up. Mrs. Low felt things were not even being done and suggested that I get rid of her. I did not feel good about letting her go. Later on there was a day Mrs. McCann didn't show up for work with no phone call (she had flown to the doctor). Mrs. McCann never gave me a date when to expect her back to work after her leave. When she returned back to work we discussed the job position and the fact that the part time job would be ideal with a new baby. Mrs. McCann accepted this and later on in the year when I had more money in my budget, I put her on full time.

Commissioner Bailey: When Mrs. McCann came back from maternity leave, did you consider her as being terminated?

Rigby Wright: Not in my mind. But she was dropped back to part time position.

Commissioner Black: When her status changed to a part time, did she still have her benefits?

Martha: I was still carried under medical benefits and I still have them.

Commissioner Black: Were there any written notices by either party given?

Martha: No sir, I never gave Mr. Wright any thing in writing about my maternity.

Mr. Wright: No.

Commissioner Black: Then there is no written notice of anything, it is all verbal. The only thing we can do is to take each person's statements and evaluate. It's indicated, there is in fact maternity leave taken that was agreed verbally and there is testimony by both parties that when the leave was terminated and ready to come back to work.

Martha: I notified Mr. Wright I was ready to come back to work.

Commissioner Black: Then the fact is that Mrs. McCann felt she was being terminated and if she didn't take the part time job she would have no job. Mr. Wright said he feels it wasn't a termination but a demotion.

Attorney Halliday: Did your tasks change?

Martha: To a certain extent yes. I did more operating the radio and dispatching. I did different secretary jobs than I did on the day job, such as filing, typing, and keep up work for the day person.

Commissioner Black: Mr. Wright, did you indicate to Mrs. McCann that her performance was not satisfactory?

Mr. Wright: It was not getting accomplished. Papers were not getting done properly and work piling up. Mrs. Low had to come in twice. I don't expect anyone to come and learn the job in a week, it's a difficult job.

Commissioner Black: The facts show that Mrs. McCann started work in September of 1983 and took her leave of absence May 1984 and this is time for an evaluation. Did you believe and tell Martha that her performance was inadequate for the job she was hired?

Martha: I did not have that feeling at all. I doubled my efforts and felt I was not trained on many things. Mrs. Low was taking work home when she worked earlier and I felt the job was more work for one person. There are certain areas in my job that Mr. Wright indicated needed special attention but I don't remember him telling me my job performance was unsatisfactory.

Commissioner Black: How do you define "disciplinary action" you said Mr. Wright told you?

Martha: It was for inadequate job performance but he had not told me this previously.

Commissioner Black: Is there any more questions or statements on this specific issue?

Mr. Wright: I told Mrs. McCann that Diane Jackson understood the responsibilities of the job better and was doing a good job.

Martha: The basis of my complaint is; it is standard procedure that a written statement be given to an employee when there are either terminated or demoted. There was nothing written therefore the action taken was illegal. The issue is Mr. Wright's action.

Commissioner Black: What federal or state law requires this?

Martha: I do not know.

Commissioner Black: Then we agree then on the facts. We will consider these and come up with a decision. So this particular issue is closed.

DATA PROCESSING ERROR

Martha: I would like to point out the matter of the data processing error. In July 1984, I was charged month after month for absences I had not taken on my pay stub. After a year, they have been corrected. I felt this gave a false impression in Mr. Wright's mind that I was doing something underhanded. I complained to the clerk's office and also to Mr. Wright.

Commissioner Black: Since this has been corrected we do not need to spend time on this.

Attorney Halliday: Rigby, did this issue have anything to do with your action?

Rigby Wright: No.

JAILER DUTIES

Martha: On January 14, I walked into work and was told I was the jailer. Beginning at this time and for five months, I performed the same duties the jailers did, was in charge of the jail, the prisoners, fed them and took them out, also cleaned the cells. My point of view was I was doing the same work as any other jailer but was not paid as a jailer but as a secretary. This raises a problem in legal legation if we have a jail with no jailer in charge. Rigby Wright was expected to be called if a problem arised. My complaint is that under the equal pay-equal work, Fair Labor Act, I should have been paid jailer's wages (which was 12 shifts over a five month period).

Commissioner Bailey: Were you given an outline of the duties of the jailer/dispatcher by Mr. Wright?

Martha: I was not given any specific outline duties. I was expected to read the jail standards and follow them and follow all other jail and dispatch procedures.

Commissioner Bailey: How did you find that out?

Martha: Nobody told me anything specifically other than if somebody messes up and does not follow procedure they are notified. I guess it was my presumption that I do the entire job.

Commissioner Holliday: Do you ask for different job description?

Martha: As a jailer you have to take care of the prisoners, as a secretary you do not normally have to. A secretary occasionally does work as a matron or be with a female prisoner on special occasions. Jailer duties include checking on jail every two hours, counting prisoners in cells, locking prisoners up and or release them.

Commissioner Holliday: You do not have to go to any school then for this job?

Martha: No sir, I was not given any training? I was not even invited or allowed to go to the medical dispatch school held in the commission room.

Commissioner Black: Then twelve shifts out of this period you were there as a secretary with no one else present. Did you make a complaint about this to the Sheriff?

Martha: I did not make any complaint to the sheriff.

Rigby: I thought about asking Mrs. McCann working the jail as we were understaffed. I looked over the prisoner load and talked it over with Mrs. McCann on these particular evenings and asked if she felt good about it and if she could handle it. I felt she could do this and told her to call me, I would be at home. I did not tell her to let the prisoners out and clean them. There was no reason for her to let the prisoners out. I talked with her before and she said she would do it. As far as the training, she hasn't asked.

Commissioner Bailey: Was there any indication that she should go and check on the prisoners and open the cells?

Rigby: The nights she worked I felt there was no problem. She was to check on the prisoners and feed them. I did not feel uncomfortable with this, I felt she could handle it.

Commissioner Holliday: The sheet that Mrs. McCann gave us with the jailer's salaries indicates that she was not paid as much as a jailer.

Martha: That was based on a salary of a jailer that was hired in the same time period as I was.

Commissioner Black: Why didn't you make a complaint at this time?

Martha: Well, I was not aware I had any right to do so. I was still trying to do my best to prove to Rigby that I was a good employee. I felt it was not a good idea legally. I felt I would not be listened to.

Commissioner Black: What changed that?

Martha: I still feel Rigby didn't necessarily listen to my complaint. I have discussed this with him since I started this action.

LEAVE SUMMARY

Martha: On November 25, Rigby asked me to make the employee leave summary for that month. I had been working for Mrs. Jackson that month. Mrs. Jackson had made the leave summary and left it on the desk. And since Rigby asked me to do it, I checked it for his benefit. I found several corrections that needed to be made. I myself was charged for a regular day off, and I checked and tried to verify the time Mrs. Jackson was claiming for compensation time. I followed the normal procedure and turned it in to Rigby. The problem was that between this and a note I left her on certain things, trying to be helpful, resulted in her literally arranging me for two hours. Mrs. Jackson was upset that I would have any criticism on the way she had done things and despite my effort to be reasonable she demanded to know why I had left her a note and why I corrected the employee leave summary. I told her that Mr. Wright had asked me to do it and corrected errors as I had seen them. Mrs. Jackson worked the hours out with Mr. Wright. I felt it was an apparent deficiency. After talking with Rigby on this matter, I refigured the times and left them on his desk. I haven't written any other statements that Mrs. Jackson made at that time.

Commissioner Black: You saw what was an error and brought it to the sheriff's attention and I suppose that he and others checked it out. What were there findings?

Martha: I don't know sir I wasn't in on that.

Commissioner Black: What then was said by Mrs. Jackson?

Martha: She said to me that I was in error on my calculation. And I explained that what I put down was factual. My complaint is the matter in which this was taken up. She told me that I had no right to do it and had no right to tell her what to do.

Mr. Wright: This is superficially the first I have been aware of the situation with her. I discussed the time with Mrs. Jackson. I think its water under the bridge.

Diane Jackson: I did confront her about why she changed the leave summary. And she accused me of trying

to take double time on a holiday and I explained to her I had compensatory time. I don't know what the allegation is she is trying to make. I asked her why doesn't she try to get along with me and she said "I am not going work with you".

Commissioner Black: Martha, in checking this I understand you felt it was your responsibility. At that time you thought you saw inaccurate record on time off. Did you bring this to the attention of the sheriff?

Martha: I made some changes on the leave summary in pencil. I do not normally do the leave summaries.

Commissioner Black: Why didn't you ask Rigby about this?

Martha: I normally work the night shift and don't see Rigby very much. I left a note on the corrected summary and left it on his desk.

Commissioner Black: If you didn't really have the responsibility to do this, even though you felt it was in error, why didn't you ask instead?

Martha: Rigby asked me to do the leave summary and I felt I had the authority to make the changes.

Mr. Wright: The question was the compensation time Mrs. Jackson took. I felt it was ok.

Martha: I would like you to let Lynette Palmer make a comment on this incident.

Commissioner Black: Lynette, do you have any comment on this issue?

Lynette: When Mrs. Jackson came to my house it was about a total different subject.

Mr. Wright: Was I behind any of this spat here?

Martha: No sir, I just want people to be aware of the fact this is one of the occasions that my reputation was trampled on.

BILLINGS

Martha: On December 24 I brought to Rigby's attention that the sheriff's office needed two docket books. He told me to order the books. I called Kelly Company and ordered them and requested that the invoice be sent before the end of the year so we be charged correctly. I returned to the P.M. shift before I could process it. I haven't seen it since then. On February 17 the bill was turned in. Rigby made a public statement.

Mr. Wright: I did not see a invoice until February. Kelly Company has only one account with the county and it took awhile as to what office was being billed. I never blamed Martha for it. It was the accounting of Kelly Company. Remember when the Abajo Petroleum invoice didn't get paid. Martha said she turned it up in the file receipts for bail money. It stunned me and I said "it was almost like it was planted there, I can't believe she would do it." The secretary work in the office is house bickering and I try to get them to work together.

LETTER CONFIDENCE

Martha: I would like to bring up what I think is a reprisal and damaging to my reputation and a breach of confidence. On April 7 after Rigby received my letter, Glen Jackson asked some specific questions about my grievance that were not publicly known without him knowing of the contents of that letter. I felt this was a breach of confidence on Rigby's part.

Commissioner Black: How do know that Rigby breached the confidence?

Martha: I do not know that.

DISPATCHING

Martha: On the 9th of April I was in the office with Phil Boulduc. Rigby came in and publicly and angrily reprimanded me for a situation that happened the previous evening. Phil Boulduc was there. Rigby asked why I hadn't notified him of the situation that happened the previous evening, he was very angry at me for doing that. I told him I had not had been in charge of that, Phil Boulduc was the duty officer who handled the incident. It related to a robbery in which a lady wanted to report a robbery at the Trailside, so Mr. Boulduc sent a city officer to talk to her. It turned out the incident happened in the county and Mr. Torres, city officer, went to the scene site and as a result we ended up getting inadequate information. We were not told about this until the incident was over. I only took a call from a daughter. Rigby didn't jump on Phil he jumped on me. I suggested we talk in private and we went in his office. We discussed possibilities of negotiating different things.

Mr. Wright: I thought I chastised Phil Boulduc also that evening. There was another issue, the police chief in Blanding had called me that morning and wanted to know why the Sheriff's office didn't want to their crime reports anymore, we had been doing them for a number of years. Martha had called the night before and told him we didn't want to do them anymore. This was part of me being upset with Martha, I object to the word reprisal I simply would rather be taken out and shot. We went in my office and talked for about an hour and I thought we had some things resolved. I told her I didn't have the authority to settle money matters and hoped we could work things out.

Commissioner Black: Wasn't it your feelings that you made it public reclamand for her alleged failure in notifying the situation that she didn't have anything to do with?

Mr. Wright; No I didn't think so. The thing that baffled me was that we did most of the talking in the Sheriff's office.

Phil Boulduc: I was there at the time of the incident concerning a robbery and I must accept blame for this. But in defense of myself I must say that I'm not qualified or trained for this job so I don't know what the procedures are and I handled the situation to the best of my ability. I didn't feel Mr. Wright directed his hostility towards me instead he directed it at Mrs. McCann for this situation.

Martha: Did you hear this discussion?

Mr. Boulduc: I only heard a few brief words of the discussion and Mrs. McCann told Rigby, let's go in your office and clear the air. And they went in the office and I couldn't hear what was said.

Commissioner Black: What did you hear of the discussion?

Mr. Boulduc: I don't recall verbatim, but I recall Sheriff Wright said he thought robbery was a serious crime and he should of been called.

Commissioner Black: Was the Sheriff criticizing you or Martha?

Mr. Boulduc: I didn't feel that he was directing his comments at me. I felt he was directing them at Martha.

Commissioner Black: Rigby, did you feel your remarks were directed at Martha?

Mr. Wright: The part I directed at Martha was not filling the crime report out for the Blanding Police department and also I felt she had been working there longer. She said she felt it wasn't her responsibility. Nobody called me and that was my complaint.

Martha: Part of the problem is the secretary is at her desk and does not hear what the dispatcher is doing. I had no idea Mr. Boulduc had not already called Rigby.

Mr. Boulduc: In this situation, if I had known the office procedures would have certainly called the Sheriff. But I'm suppose to be filling in and I don't know the office procedures. I had an officer on the scene handling the investigation and I felt it was adequate.

Commissioner Black: My opinion would normally be a grievance procedure in the office and feel we would listen to these things. At this time I invite anyone who wants to make a statement about anything.

Diane Jackson: The fact that I have confronted Mrs. McCann about working in that department. You need to work together - but when she says I'm not going to work with you it just puts everything - all working relationships there in jeopardy. There is a general hostility in the department and when people in the department can't relate together nothing is solved.

Martha: That is a misquote. Sorry. I made a statement along the lines that I wasn't going to cover her "censored".

Commissioner Black: The best thing to do is for the Commission to take this under advisement and we will respond in writing.

Commissioner Bailey: On this letter of April 7 how did you arrive at these figures (back pay from the county).

Martha: The figures were taken from the difference between when I was paid and the salary I was making before.

Commissioner Bailey: This was the difference then, what you were actually paid and what you should have been for only two months.

Martha: No sir, beginning from the end of June 29 till now. On the equal pay began on January I included the entire year on that because I was never told when it started or stopped and I operated under the assumption that I could walk into work anytime and be the jailer.

Commissioner Black: Thank you. Let me conclude this by expressing appreciation and thanking Martha for coming in. We don't know what the result or decision will be. But regardless of what it is, I think the one thing I would like you and everyone else in the county to know is, that if there is personnel action taken that you object to, you have a right of an appeal. First of all, you need to talk to your department head about it and I recommend a documentation, letters asking questions, requesting responses in them, and you have a record. No one should feel reprisal, because this simply will not be allowed. And the only way you can be intimidated or of fear, is fear itself. And I continue to find it difficult to understand why people say that. I think intimidation is self-intimidation rather than real. I don't believe the Commission would tolerate that in a minute, for somebody to have reprisal and action taken if we know about. If we don't know about it, somebody just assumes that will happen. If they make a complaint then in fact they do it to themselves more than someone else. I think the mistake is waiting so long. So I would encourage anybody that has a complaint to go through the process and make a complaint. I often hear that people are afraid to come to the Commission I don't really understand that, if there is something we will listen, we may not always agree, we may ask a lot of pointed questions, but I assure you that our intent and desire is to try to be fair to everybody and no personal motivation or anything else at all. I think we all feel that way. I simply encourage everybody if they have a complaint, first talk or make written communication with their department heads, spelling out what the problems are and giving that person a chance to respond. Do it privately, don't talk in the office. We get in trouble when we start talking about people instead of to them. You are going to resolve a complaint if you talk to that person instead of someone else. The biggest mistake is waiting too long.

Martha: I appreciate your time and consideration. I only regret that there had not been written reviews from the beginning. I think this would of made the relationship with the Sheriff ever so much smoother and more understanding.

Commissioner Black: We are trying to improve that and get those out, its a matter of policy now. I would add one further thing, in your office and anywhere else, is simply to handle it the best way. If you don't get together and let the past be the past and simply make a new start right now or tomorrow then we haven't solved anything. I urge you all to do that.

BILLS APPROVED FOR PAYMENT

Rufina Romero	Clean senior citizen center M	40.00
UNDC Credit Union	Restitution Terry Tso	600.00
Moe Jean & Son	Weld fitting courthouse boiler	143.25
Bessie J. Spencer	Meals served April	801.00
Little B Mining Co.Inc.	chips & gravel	34,915.73
Cathy Brake	Meals served - April	1,362.00
American Helicopter Company	Restitution Dale Davis Case #680	1,000.00
Abajo Electric	Repairs at Airport	94.50
Abajo Petroleum, Inc.	Fuel for Road Dept	4,071.17
Bancroft-Whitney Company	Supplies Attorneys Office	117.30
Mary Jane Benally	Witness Fees Larry Bennett	29.00
Matthew Bender & Co., Inc.	1200	12.00
Calvin Black	Expenses for Jan,Mach,May	1,811.39
Black Oil Company	Diesel for road dept	1,334.00
Blue Mountain Petroleum, Inc.	Fuel, Oil road dept	688.03
Carol Ann Bonaquisto	Partial refund 86DWR078	20.00
California Digital	Upgrade Clerk/Road PC	103.00
Car and Auto Center, Inc.	Repairs sheriff's office	5.00
Caun-co., Incorp.	supplies road dept	246.66
City of Monticello	Utilities courthouse	124.50
Conoco Incorporated	Gas purchased sheriff dept	12.00
Day-Timers, Inc.	Supplies Rick Bailey	38.29
Harry Dee	Labor on Fire Truck	40.00
Betty Dufur	Cleaning senior center (B)	40.00
Elk Ridge Restaurant	Meals served Dev. Board	54.50
Empire Electric Assoc. Inc.	Utilities courthouse	1,533.55
Epson America	Supplies Area Agency Aging	22.97
Farabee Automotive & Towing	Parts for sheriffs office	136.00
Four-Wheeler magazine	Advertising Dev. Board	779.45
Freed Leasing, Inc.	Leasing Sheriff's dept	231.17
G.G. Small Engine Repair/Rental	Supplies recreation dept	233.23
Holliday Construction Company	Final Payment Loyd's Lake	16,512.18
Horsehead Hardware	Supplies Recreation Dept.	202.67
Industrial Supply Company, Inc.	parts for road dept	196.55
Intermountain Battery	Supplies road dept	97.90
Joint Highway Committee	Annual Dues for 1986	50.00
Lynn Johnson	Witness fees for Chad Wells	14.00
Kaman Bearing & Supply Corp	Parts for road dept	27.62
Kar Products Incorporated	Parts for road dept	194.02
KNDN The Indian Station	Advertising Elections	120.00
Jim Keyes	Travel Expenses	36.54
Labrums Engineering	Census Maps	89.65
Perry McDonald Construction	Hauling for road dept	430.00
Monticello City Justice/Peace	S.O. Collec Report 5-12-86	1,466.00
Monticello Mercantile	Supplies sheriff dept	3.95
Motor Parts Company	Parts for Road dept	606.98
Office Outpost	Supplies Purchasing dept	28.86
Palmer's	Supplies Historical Soc'T	7.68
Lois Palmer	Travel Expenses	45.79
Parley Redd's Food Town	Supplies Dept of Aging	6.80
Tracy Reddoor	Witness Fees Chad Wells	14.00
Redex, Inc.	Supplies Road Dept.	18.80
Sharon Riley	Travel Expenses	37.03
Salt Lake Stamp Company	Gold Wall Holders	169.35
San Juan County Ext. Office	Petty Cash	15.58
S.J. County 12th Circuit court	S.O. Collec. report 5-12-86	145.00
The San Juan Record	Notice to Bid Lem's Draw	19.63
San Juant Ads	Ad for 4-H	9.00
Sargent-Sowell, Inc.	Supplies sheriff's office	82.73
Sear-Monticello Agency	Supplies for road dept	8.46
Seventh District Court	Sheriffs office/Hutchkins	45.00
Utah State Insurance Fund	Employers payroll report	1,114.37
State Treasurer Of Utah	P.O.S.T. J.P. 1986	3,769.00
Thatcher Chemical Company	Supplies recreation dept.	282.00
United States Welding, Inc.	Parts for road dept	42.19
Utah Gas Service Company	Utilities road dept	220.84
Utah Power & Light Company	Utilities Bluff Bldg.	109.43
Utah State Attorney General	Pay'll deduct. J. Manheimer	50.00
Utah State Dept of Soc. Services	Aging Contract	19,662.31
Utah State Retirement Board	Dist.Crt.Judges Retirement	65.00
Doris Valle	Mtgs. Attended Hist. Soc.	139.02
Jerry Westergard	Partial refund 86DWR079	20.00
Western Office Products	Supplies clerks office	1.08
Whipple Plumbing	Airport water system	1,022.79
White Mesa Ute Council	SenCit Meals for April	420.00
Mike Young Incorporated	1986 Chevrolet	14,042.10
Young's Machine Company	Supplies Road Shop	28.48