



**Brunswick-Glynn County Joint Water and Sewer Commission**  
**1703 Gloucester Street, Brunswick, GA 31520**  
**Thursday, October 5, 2017 10:00 AM**  
**Commission Meeting Room**

## **HUMAN RESOURCES & SAFETY COMMITTEE MEETING AGENDA**

### **AMENDED**

**Committee Members:** Commissioner Cornell Harvey, Chairman  
Commissioner Cliff Adams  
Chairman of Commission Donald Elliott  
Commissioner David Ford  
Executive Director Jimmy Junkin

**Members:** Cindy Barnhart, TSI  
Jeffrey Singletary, TSI  
Baylie Lane, TSI

### **PUBLIC COMMENT PERIOD**

*Public Comments will be limited to 3 minutes per speaker. Comments are to be limited to relevant information regarding your position and should avoid being repetitious. Individuals should sign in stating your name, address and the subject matter on which you wish to speak. Your cooperation in this process will be greatly appreciated*

### **APPROVAL**

**1. Minutes from August 3, 2017 Human Resources & Safety Committee Meeting** (*subject to any necessary changes*)

### **DISCUSSION**

- 1. Recruiting and Termination Statistics** – B. Lane, TSI
- 2. Safety Update** – J. Singletary, TSI
- 3. Staffing of Deputy Director and Director of Operations Positions** – C. Harvey
- 4. Appeals Process** – C. Dorminy

### **EXECUTIVE DIRECTOR'S UPDATE**

### **MEETING ADJOURNED**

*All citizens are invited to attend.*

*There is a possibility of a quorum of Commissioners being present.*



**Brunswick-Glynn County Joint Water & Sewer Commission**  
**1703 Gloucester Street, Brunswick, GA 31520**  
**Commission Meeting Room**  
**Thursday, October 5, 2017 at 10:00 AM**

## **HUMAN RESOURCES & SAFETY COMMITTEE MINUTES**

**PRESENT:**                               **Cornell Harvey, Chairman**  
  **Cliff Adams, Commissioner**  
  **Donald Elliott, Chairman of Commission**  
  **David Ford, Commissioner**  
  **Jimmy Junkin, Executive Director**

**ALSO PRESENT:**                   **Andrew Burroughs, Deputy Executive Director**  
  **Tom Boland, Sr., Interim Deputy Director**  
  **John Donaghy, Director of Finance**  
  **Jay Sellers, Director of Administration**  
  **Cindy Barnhart, TSI**  
  **Jeffrey Singletary, TSI**  
  **Charlie Dorminy, HBS Legal Counsel**

Chairman Harvey called the meeting to order at 10:16 AM.

### **PUBLIC COMMENT PERIOD**

There being no citizens that wished to address the Committee, Chairman Harvey closed the Public Comment Period.

### **APPROVAL:**

**1.     Minutes From August 3, 2017 Human Resources & Safety Committee Meeting**  
Commissioner Ford made a motion seconded by Commissioner Adams to approve the Human Resources & Safety Committee Meeting from August 3, 2017. Motion carried 4-0-0.

### **DISCUSSION:**

**1.     Recruiting and Termination Statistics** –C. Barnhart, TSI  
Cindy Barnhart from Teamwork Services, Inc. reported on the current job postings for BGJWSC. She provided the additional details and statistics of the report to date regarding the postings and terminations. Also noted were the recent positions filled, and internal promotions. The Commissioners requested that the names of those newly hired employees be provided so that they may learn who they

are and recognize them. Ms. Barnhart advised that the names of new hires could be provided in the future.

**2. Safety Update – J. Singletary, TSI**

Jeffrey Singletary from Teamwork Services, Inc. updated the Committee that there have been no new work related injuries for the year of 2017, since the first 2 injuries, both of which have been closed. He was questioned as to if these trends were regularly noted, and responded that recognition for safety was done at Safety Stand Down Day.

**3. Staffing of Deputy Executive Director and Director of Operations Positions – C. Harvey**

Committee Chairman Harvey advised that he requested this item to be on the agenda. First he welcomed Andrew Burroughs as the new Deputy Executive Director. He then opened discussion as to the schedule regarding the interim Deputy Director. There was further discussion concerning the position of Director of Operations, the current approved budget and the mentioned conditional caveat regarding that position and how it is budgeted.

Committee Chairman Harvey requested that John Donaghy provide a report of the cost of personnel during Hurricane Irma. At the October 18 Finance Committee and the October 19 Commission meetings, Mr. Donaghy will provide a report of storm costs to include the expense of personnel staffing for the storm period.

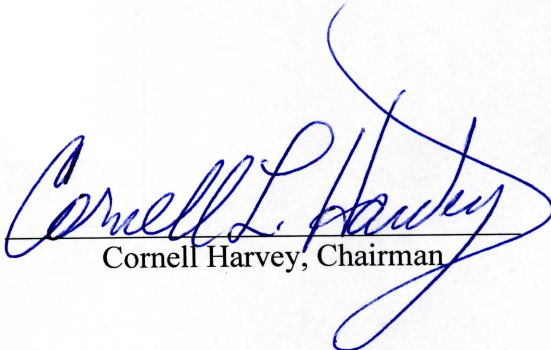
**4. Appeals Process – C. Dorminy**

Charlie Dorminy reviewed the details of the Corrective Action and/or Disciplinary Action and the Hearing and Disciplinary Appeals Process with the Committee. He discussed the revisions as were noted in the policy drafts provided. The recommended changes are basically regarding wording and some discrepancies as in the original policies. These revisions would provide some clarification on the two policies. There was additional discussion by the Committee as to the details concerned for when the management decides that an employee should have disciplinary action or be terminated and who makes the final decision. Mr. Dorminy advised that the revisions as provided are in draft form only at this time and for discussion only. The revisions will need to be brought before the full Commission for approval of the changes. It was noted that this item will be added for discussion again in the next Human Resources & Safety Committee Meeting to allow more time for additional review.

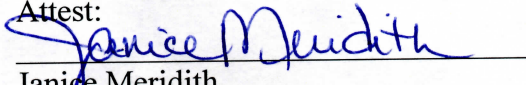
**EXECUTIVE DIRECTOR'S UPDATE**

There was no update at this time.

Meeting was adjourned at 10:47 am.

  
Cornell Harvey, Chairman

Attest:

  
Janice Meridith,  
Executive Commission Administrator

# Brunswick-Glynn County Joint Water and Sewer Commission

## Recruiting and Termination Statistics

### Current Job Postings

DATE POSTED	JOB TITLE	# OF APPLICATIONS
5/1/2017	Equipment Operator	66
5/30/2017	Utility Service Worker	53
7/9/2017	Water Distribution Crew Leader	15
10/3/2017	Wastewater Treatment Plant Operator III	1

Number of applications (YTD) - 911

### New Hires

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Utility Crew Member I - *hire date 9/5/17*

Manhole Rehab Technician - *hire date 9/5/17*

Customer Service Representative I - *hire date 9/11/17*

Deputy Executive Director - *hire date 9/15/17*

Engineering Systems Analyst/Modeler - *hire date 9/25/17*

SCADA Systems & Data Networking Technician - *hire date 10/3/17*

### Transfers, Promotions, and Other

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Utility Crew Member - *failed drug test; rescinded job offer*

Construction Inspector - *internal promotion*

SCADA Systems & Data Networking Technician - *internal promotion*

Administrative Coordinator for Planning & Construction - *interviews completed*

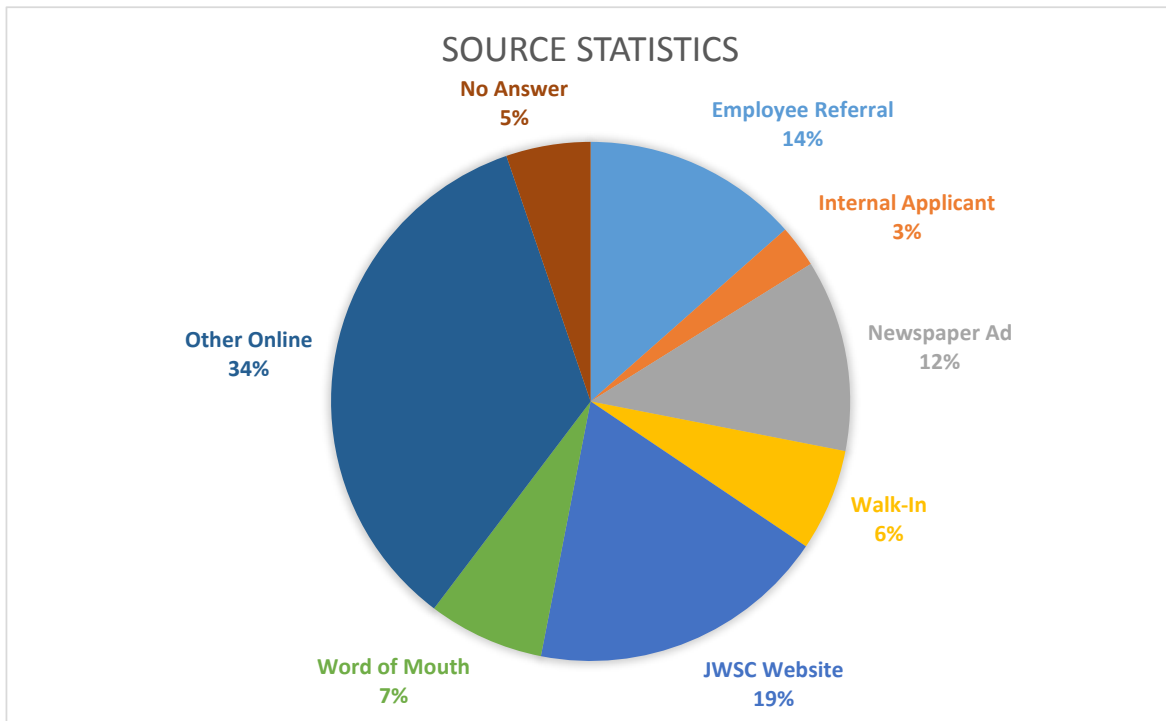
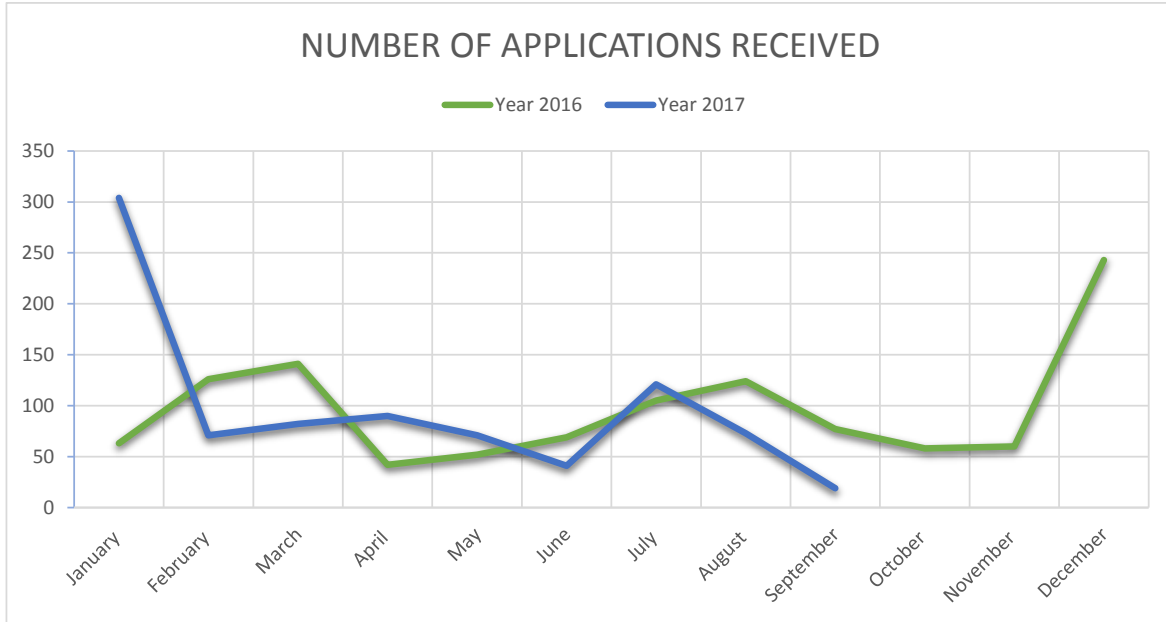
### Terminations w/ Reasons

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None to report

# Brunswick-Glynn County Joint Water and Sewer Commission

## Recruiting and Termination Statistics



# Director of Operations

**Class Title:** Director of Operations

**Pay Grade:** 26

**Salary:** \$91,878 - \$137,817 Annually

The purpose of this classification is provide leadership and perform managerial and administrative work functions associated with planning, developing, organizing, overseeing, and implementing activities within the operational divisions of the Brunswick-Glynn County Joint Water and Sewer Commission (JWSC). This position reports directly to the JWSC Executive Director.

## **Essential Functions:**

The following duties are normal for this classification. The omission of specific duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned. Specific duties listed may not be required for all positions within this classification, but are determined by the normal requirements for the particular position.

Maintain and ensure the operation of the JWSC's water production facilities, its wastewater treatment plants and related systems in an efficient and effective manner in order to meet the daily and yearly demands as well as regulatory permitting limits, maintaining adequate water supplies, and meeting anticipated daily demands.

Develops and implements immediate and long-range plans; establishes operational divisions' goals and objectives; consults with Executive Director and regulatory agencies.

Leads, supervises, directs and evaluates assigned staff, processing employee concerns and problems, directing work, counseling, recommending disciplinary action and completing employee performance appraisals.

Plans and organizes operations related projects and workload; assigns work; develops employee work schedules to provide adequate coverage; monitors and reviews status of work activities and develops succession plans.

Oversees the ongoing implementation of the asset management program to set priorities for capital needs and to optimize operations and maintenance activities within the JWSC.

Assists in developing departmental policies and procedures to ensure compliance with state and federal guidelines.

Monitors and oversees the operations and activities of the water and sewer department; monitors and reviews procedures and operations; initiates problem resolution.

Consults with and/or coordinates work of engineering consultants, contractors and other department heads regarding design and construction of projects.

Prepares division budget; monitors expenditures and revises.

Develops short-term and long-range plans and specifications for expansion, modification and construction programs.

Processes documentation pertaining to payroll and personnel; completes, reviews, approves and/or forwards as appropriate; maintains records.

Prepares and/or completes correspondence, forms, reports, or other documents to meet state reporting requirements; forwards or maintains.

Directs the preparation of division reports to all agencies; receives reports, charts, blueprints, forms, correspondence, and contracts; monitors water quality from operational and chemical reports/data; reviews, processes or forwards as appropriate; maintains documentation for reference.

Responds to calls from the public concerning water system problems, complaints, or emergency situations; directs water and sewer questions/problems to appropriate division.

Maintains an awareness of new trends/advances in the profession; investigates and approves the use of new materials, methods and processes, in conjunction with engineers, department heads and regulatory agencies.

Consults with supervisors, regulatory agency personnel, engineers, contractors, and other agency officials to review departmental operations, discuss problems, coordinate activities, develop long-term plans, provide technical expertise, and receive advice/direction.

Establishes departmental goals and objectives; implements rules, regulations, and policies.

Creates/maintains positive public relations with the general public; provides education on water and sewer issues; interacts with the media.

Evaluates new products and services.

Assists with installation of computer programs; assists personnel with computer problems/questions.

Must accomplish the essential functions of the job, with or without reasonable accommodations, in a timely manner.

Incorporates continuous quality improvement principles in daily activities.

Must be able to maintain good interpersonal relationships with staff, co-workers, managers, and citizens.

Must meet regular attendance requirements.

Performs other related duties as required.

#### **Minimum Qualifications:**

Five years of progressively responsible supervisory or management experience in civil engineering, water and wastewater treatment, water distribution, wastewater collection, or related field required. Bachelor's degree in Chemical, Mechanical, or Civil Engineering, or related field desired. Possession of Professional Engineering (P.E.) license is desirable. Must possess a valid driver's license.

#### **Minimum Requirements to Perform Essential Job Functions:**

The following requirements are normal for this classification. Specific requirements may not apply to all positions within this classification, but are determined by the normal requirements for the particular position.

**PHYSICAL REQUIREMENTS:** Must be able to operate a variety of automated office equipment including a computer, copiers, fax machines, telephone, etc. Physical demand requirements are at levels of those for sedentary work.

**DATA COMPREHENSION:** Requires the ability to compare and/or judge the readily observable functional, structural, or compositional characteristics (whether similar to or divergent from obvious standards) of data, people, or things which may include forms, reports, blueprints, reference materials, legal documents, technical journals, procedural manuals, and operational manuals.

**INTERPERSONAL COMMUNICATION:** Requires the ability to speak with and/or signal people to convey or exchange civil engineering, personnel, legal, and water utility-related information, including giving/receiving assignments and/or directions to/from co-workers, assistants, managers, or supervisors as well as communicating with engineers, regulatory personnel, the media, and the general public.

**LANGUAGE ABILITY:** Requires ability to read a variety of civil engineering, legal, and water utility-related documentation, directions, instructions, and methods and procedures. Requires the ability to write job related documentation and reports with proper format, punctuation, spelling and grammar, using all parts of speech. Requires the ability to speak with and before others with poise, voice control, and confidence using correct English and well-modulated voice such as public speaking situations before the city council, community groups and the general public.



**INTELLIGENCE:** Requires the ability to learn and understand complex environmental engineering, legal, and water utility-related principles and techniques, to understand departmental policies and procedures, to make independent judgments in absence of supervision, and to acquire and be able to expound on knowledge of topics related to primary occupation.

**VERBAL APTITUDE:** Requires the ability to record and deliver information, to explain procedures, and to follow verbal and written instructions.

**NUMERICAL APTITUDE:** Requires the ability to add and subtract totals, multiply and divide totals, determine percentages, determine time and weight, interpret statistical data, and utilize geometric and algebraic formulas.

**FORM/SPATIAL APTITUDE:** Requires the ability to visually inspect items for proper length, width, and shape using job related equipment which may include engineering scales and standard measuring devices.

**MOTOR COORDINATION:** Requires the ability to coordinate hands and eyes in using automated office equipment and to operate motor vehicles.

**MANUAL DEXTERITY:** Requires the ability to handle a variety of items, automated office equipment, control knobs, switches, etc. Must have the ability to use one hand for twisting motion or turning motion while coordinating other hand with different activities. Must have minimal levels of eye/hand/foot coordination.

**COLOR DIFFERENTIATION:** May require the ability to discern color.

**INTERPERSONAL TEMPERAMENT:** Requires the ability to deal with and relate to people beyond giving and receiving instructions. Must be able to adapt to and perform under considerable stress when confronted with an emergency. Must relate to City leaders, staff, and customers and must be approachable.

**PHYSICAL COMMUNICATION:** Requires the ability to talk, express, or exchange ideas by means of spoken words and/or hear and perceive nature of sounds by ear.

## Section 7.4

# CORRECTIVE ACTION AND/OR DISCIPLINARY ACTION

### STANDARD

Customer service is of primary importance to the JWSC. Employees will conduct themselves in a professional, courteous manner at all times. Employees will seek to satisfy the customer while balancing the best interests of the JWSC. Conduct on the job will be governed by good judgment and consideration for others. Each employee's conduct and performance will support and advance the JWSC's goals and the division goals. All employees of the JWSC are members of a team, working together with the main objective of serving our community. Any employee who fails to follow the necessary rules and regulations governing conduct thereby disservices the public and fellow employees. The Code of Conduct is designed to insure the rights and safety of all JWSC employees and to provide working guidelines to assure business-like efficient service to our community. Corrective and/or disciplinary action shall be taken when conduct, performance or behavior do not meet established standards.

### PRACTICE GUIDELINES

#### 1. General Guidelines:

- A. In recognition that each incident differs in many respects from somewhat similar situations, the JWSC retains the right to treat each occurrence on an individual basis without creating a precedent for other cases that may arise in the future. Supervisors will review all violations of the Code of Conduct in light of extenuating circumstances.
- B. The JWSC retains the right to suspend any corrective and/or disciplinary action at its exclusive discretion. Examples given in any rule do not limit the generality of the rule. The rules and regulations are guidelines that should not be construed as limitations upon the retained rights of the JWSC.
- C. In taking corrective and/or disciplinary action, supervisors will consider the severity of the offense, the cost involved, the time interval between violations, the length and quality of service documented in the employee's personnel file, and the demonstrated ability of the employee concerned.
- D. In each case in which the corrective and/or disciplinary action is modified from the recommended practice, the reasons for such modification shall be documented.
- E. Discussions regarding corrective and/or disciplinary action should be conducted in privacy to ensure the dignity and reputation of the employee among co-workers. Corrective and/or disciplinary action will be shared with others only on a "need to know" basis.
- F. If an employee refuses to sign any documentation regarding corrective and/or disciplinary action, the supervisor will make a notation on the form that the employee refused to sign the documentation and the reason, if provided, the employee refused.

2. Violations of the Code of Conduct may result in the action set forth in this Section. There is no requirement that each action be taken in sequence. Nothing in these guidelines prevents the JWSC from dismissing the employee immediately, depending upon the severity of the offense, and without prior warning. A combination of actions may be appropriate, such as a written reprimand along with a suspension.

3. **Counseling:** A supervisor may counsel an employee when substandard performance, including, but not limited to, standards set forth in Section 7.3, Code of Conduct, has not reached a critical level and the situation does not warrant more severe action. The supervisor will explain to the employee the reason he or she is being counseled. The supervisor will describe the specific problem and indicate what actions the employee must take to correct the problem and to prevent recurrence. The supervisor will explain that subsequent failures or violations will result in disciplinary action. The supervisor will also document the counseling, date and sign the document, and provide a copy to the employee and forward to Human Resources for inclusion in the employee's personnel file. The employee will be asked to sign the document indicating that he or she has been counseled.
4. **Remedial Training:** A supervisor may require remedial training when the employee's performance indicates a lack of understanding of standard operating procedures or work methods. Documentation must be maintained by the supervisor and a copy forwarded to the Human Resources Department for inclusion in the employee's personnel file.
5. **Written Reprimand:** A written reprimand specifies the unsatisfactory element of job performance. A written reprimand must define the area or areas of needed improvement by the employee, set up goals for achievement of the improvement, and inform the employee that failure to improve the area(s) of deficiency may result in a more serious disciplinary action. Documentation will be prepared, signed and dated, by the supervisor restating the problem and the goals the employee is expected to achieve. The employee will be asked to sign the document, and the document shall be forwarded to the Human Resources Department. Supervisors will follow-up with the employee two (2) weeks after the written reprimand. Subsequent follow-up meetings with the employee will be at the discretion of the supervisor. The supervisor shall document each follow-up meeting, ask the employee to sign the document, and also forward the document to the Human Resources Department for inclusion in the employee's personnel file.
6. **Probation:** A regular employee may be placed in a probationary status for disciplinary reasons for a period not to exceed six (6) months, depending on the severity of the infraction, during which time the employee will be expected to meet specific goals outlined in writing and signed by the employee. The supervisor will review periodically with the employee the progress the employee has attained toward meeting these written goals during and at the completion of the probationary period. A performance evaluation shall be conducted at the end of the probationary period. If the employee fails to meet these written goals, then the employee will be subject to subsequent disciplinary action, up to and including termination of employment.
7. **Suspension Without Pay:** A regular employee may be suspended without pay from JWSC employment for a period not to exceed thirty (30) calendar days, depending on the severity of the infraction. The suspension may be imposed by the division head or Director, as applicable, in consultation with the Human Resources Department. For exempt employees, a disciplinary suspension deduction shall not be made for absences of less than five (5) full days or other applicable pay period, unless the suspension is based on a safety violation of major significance relating to the prevention of serious endangerment of persons or property.
8. **Pay Reduction:** An employee's pay may be reduced for disciplinary reasons by the division head or Director, as applicable, in consultation with the Human Resources Department. The pay reduction does not constitute a demotion. See Paragraph 7, above, for rule applying to exempt deductions.

9. **Demotion:** An employee may be demoted for disciplinary reasons to a job having fewer responsibilities, skill requirements, performance standards and a lower rate of pay by the division head or Director, as applicable, in consultation with the Human Resources Department. A demotion is possible only when there is an open lower ranked position that the employee is qualified to perform or the division head chooses to reclassify the employee's current position to one with a lower classification within the division. When extenuating circumstances exist, disciplinary demotions may be imposed at the discretion of the division head or Director, as applicable, on a temporary basis and will not exceed six (6) months in duration. (See Section 6.2, Pay Plan, for disciplinary demotions.)

10. **Dismissal:** A regular employee may be terminated for disciplinary reasons from JWSC employment by the division head or Director, as applicable, upon consultation with the Human Resources Department.

11. **Notice of Adverse Action and Right to Appeal:** Employees will be provided written notice when <sup>Disciplinary initiated</sup> ~~adverse~~ <sup>disciplinary</sup> action is being proposed. Regular employees will be provided the opportunity to appeal certain disciplinary actions. (See Section 7.5, Hearing and Disciplinary Appeals Process.)

12. **Reports:**

- A. Each division head and supervisor involved with a problem, complaint, dispute or disciplinary action with an employee shall develop and maintain a written, dated record of the matter.
- B. The report shall include, but is not limited to, the following:
  - (1) The date(s) when the incident(s) was brought to the employee's attention by his or her supervisor or division head;
  - (2) A narrative of each and every discussion with the employee, and the dates thereof;
  - (3) The disciplinary action taken; and
  - (4) A subsequent evaluation of the results.
- C. The report and all disciplinary action forms will be forwarded to the Human Resource Department in a timely manner for inclusion in the employee's personnel file.

## HEARING AND DISCIPLINARY APPEALS PROCESS

### STANDARD

Regular employees who have completed their introductory employment period will be provided an informal disciplinary hearing and notice of the appeals process when employees are being recommended for disciplinary action for probation, suspension without pay, ~~disciplinary demotion, or pay reduction, and or~~ dismissal.

### PRACTICE GUIDELINES

1. Notification of Disciplinary Hearing: A regular employee shall be notified in writing by ~~his or her division~~ head of any ~~proposed adverse~~ disciplinary action for probation, suspension without pay, demotion, pay reduction or termination of employment ~~dismissal~~ (Notice of Disciplinary Action). A Notice of Disciplinary Action ~~disciplinary hearing notice~~ shall be prepared by the division head and shall state in writing the reasons for such ~~proposed recommendation~~ disciplinary action and the date and time of the hearing. All appeal hearings will be conducted during regular business hours, Monday through Friday.
2. Request for Appeal and Initial Appeal Hearing with Division Head:
  - A. Request for appeal of a disciplinary action must be made in writing to the Human Resource Department within three (3) working days following the date ~~on which~~ of the employee receives written notification Notice of Disciplinary Action, or it is mailed to the employee's last known address. All requests for appeal must be submitted in writing to the Human Resources Department. If an employee declines the hearing appeal, he or she automatically accepts the disciplinary action and waives the right to further hearings ~~on appeal~~ the specific action.
  - B. The Human Resource Department will schedule the fact finding appeal hearing and advise all parties of the date, time and place of the hearing. Notification to the parties of the hearing date will be at least five (5) working days in advance of the hearing. The hearing will be held no later than ten (10) working days of the employee's Request for Appeal.
  - C. The initial appeal hearing will be held presided over by the division head, Executive Director, or other appointee (Hearing Officer). The ~~division head~~ Hearing Officer will may consider prior disciplinary problems, and hear relevant evidence presented by any witnesses, the employee's immediate supervisor and the employee. The ~~division head~~ Hearing Officer will render a written decision with findings of fact within five (5) working days of the date of the hearing and send such decision to the employee on the day the decision is rendered.
  - D. If the employee is dissatisfied by the decision of the division head, the employee may request an appeal of the adverse action, in writing, to the Human Resources Department within (3) working days following the date the employee received the decision of the division head. If an employee fails to request such an appeal, he or she automatically accepts the disciplinary action and waives the right to further hearings on the specific action at hand.
3. ~~Request for Appeal and Hearing with Director~~:
  - A. ~~Upon timely receipt of an employee's request to appeal the decision of the division head, the Human Resources Department will schedule a hearing and advise all parties of the date, time and place of the hearing. Notification to the parties of the hearing date will be at least five (5) working days in~~

advance of the hearing. The hearing will be held no later than ten (10) working days of the employee's request for appeal. All arrangements for providing legal counsel shall be the responsibility of the party desiring

such representation. The Director will have the authority to uphold, countermand, or amend the disciplinary action.

B. Each party will be granted time to conduct a cross examination of the witnesses. All proceedings shall be informal, but orderly. Both parties shall have an opportunity to make a brief oral or written closing statement.

C. Evidence which is immaterial, unduly repetitious, or not relevant may be excluded by the Director or hearing officer. Documentary evidence may be received in the form of copies of excerpts if the original is not readily available. Upon request, and at the discretion of the Director, both parties will be given an opportunity to compare the copy with the original. Rules of evidence as generally understood in civil or criminal courts are not binding under these Standards of Practice.

D. Upon the request of the employee, the request for appeal may be withdrawn at any time before the Director's determination.

E. The Director shall issue a decision within ten (10) working days from the conclusion of the fact finding hearing. The written determination of the Director will be forwarded to the Director of Human Resources for inclusion in the employee's personnel file and distribution to the employee or his or her legal representative and the division head. The decision of the Director shall be the final determination of the matter based upon the evidentiary record. The decision of the Director shall be filed with the Human Resources Department in a timely manner. The Human Resources Department will mail copies of the decision to all parties.

4. Amended Disciplinary Action: If the division head or the Director, as applicable, in a disciplinary action Hearing Officer determines, after consideration and review of the circumstances and evidence presented, that charges in addition to, or substantially different from, those enumerated in the Notice of Pending Discipline Disciplinary Action should be made, or that the pending discipline disciplinary action should be more severe than the pending discipline disciplinary action specified in the Notice of Pending Discipline Disciplinary Action, then said person the Hearing Officer shall rescind the disciplinary portion of the Notice of Pending Discipline by written notice to the employee may amend the Notice of Disciplinary Action. An Amended Notice of Pending Discipline Disciplinary Action, as amended, shall be issued in accordance with the procedures in this Section and shall be subject to the same right of appeal.

5. Emergency/Crisis Situation:

A. The Director may take immediate action and terminate the employee from employment under the following circumstances:

- (1) Based on circumstances, it is reasonably suspected that the employee has committed a felony or other act or crime involving moral turpitude; or
- (2) The retention of the employee in an active status may result in damage to property or may be disruptive, detrimental or injurious to the employee, co-workers, persons under the employee's charge, or the public.

B. The Notice of Discipline issued in an Emergency/Crisis Situation is the final determination. The Notice may be presented to the employee or mailed to the employee's last known address, and must include:

- ~~(1) The specific charge(s) on which the termination is based; and~~
- ~~(2) The effective date of the termination from employment.~~

6. ~~Effective Date of Action: The disciplinary action will become effective on the date the division head or~~

~~Director issues the Final Notice of Discipline. An appeal does not change the effective date. Should the discipline be revised, any monies owed the employee will be paid, without interest, and benefits reinstated effective on a date determined by the Director. Notice of Disciplinary Action is issued or the date of the decision of the Hearing Officer, whichever is later.~~

7. ~~Reduction in Disciplinary Action: Notwithstanding any provision herein to the contrary, the division head or Director may reduce a disciplinary action taken against an employee at any time during the disciplinary action process to include, without limitation, deletion of certain charges when it is in the best interests of the JWSC.~~

8. Time:

- A. When the last day of any time period established by this Section falls on a Saturday, Sunday, or any holiday recognized by the JWSC, that time period will be extended so that the last day thereof will be the Monday following the Saturday, Sunday or holiday.
- B. The division head or Director may extend the time limits herein when more time is needed to gather additional supporting documentation to make a determination.

9. Witnesses, Recordings and Transcripts: The employee, division head, Director or Hearing Officer may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case. ~~Requests for witnesses will be made to the Human Resources Department who will schedule the attendance of MSC employees. When requested to testify as a witness, attendance by a JWSC employee is mandatory. When a witness is unavailable to attend the hearing, written, for cause, supporting documentation will be submitted to the Human Resources Department for determination whether to excuse the witness or reschedule the hearing. All witnesses shall testify under oath. No person shall directly or indirectly use, or threaten to use, any authority or influence to discourage any person from testifying.~~

~~A. Time spent in attendance as a witness by non-exempt employees outside regular assigned duty hours shall be counted as actual hours worked for the purpose of calculating overtime. For exempt employees, overtime is recognized as a natural condition of employment in accordance with the FLSA.~~

~~B. Audio or video recording or written transcript or other type of recording made by either party during the fact-finding hearing will be made available to the other party. The requesting party will be charged a reasonable cost of reproduction.~~

10. Attendance at Hearing: The appeal hearing shall be closed except for the attendance of the Hearing Officer, the employee appealing an adverse action, fact witnesses and, as applicable, JWSC legal counsel, the employee's legal counsel and the person recording the hearing. No other persons shall be permitted to attend the hearing without the express approval of the Hearing Officer. Depending on the circumstances, the Hearing Officer may be the supervisor, division head, Director, or an independent Hearing Officer who is not a JWSC employee or appointee. No JWSC Commissioner shall sit as a Hearing



Officer in a disciplinary appeal hearing.

~~11. Continuance of Hearing: The supervisor, Director, or Hearing Officer, shall have the right to suspend the appeal hearing and reschedule for a date certain in his or her sole discretion based on the need for additional investigation, or such other circumstance which may arise during the hearing that will have a material effect on the process.~~

~~12.11.~~          New Hires in Introductory Period: Employees who have not completed the introductory employment period of one year (12 months) of service do not have appeal rights. Division heads are not required to conduct a hearing with the employee prior to dismissal or adverse action; however, a conference is recommended in order to help the employee to understand why corrective action is being taken and to gather any additional information that the division head may not have had.