

MINUTES OF SPECIAL COUNCIL MEETING HELD AUGUST 9, 1977.

COUNCIL MET IN SPECIAL SESSION; MAYOR MURRAY PRESIDING.

COUNCIL MEMBERS PRESENT:

WARD, REED, BANKSON, DAVIES, MURRAY, HOPKINS, ALLEN.

COUNCIL MEMBERS ABSENT:

WADE, AVICOLA, MEANS.

MEETING WAS CALLED FOR A HEARING FOR THREE EMPLOYEES FIRED BY KENNETH CARTER. THE EMPLOYEE'S WERE BILLY HARTMAN, JERRY JENKINS, AND STEVE PICKERING. ALL THREE HAD BEEN EMPLOYED FOR APPROXIMATELY 11 MONTHS.

MAYOR MURRAY TURNED THE MEETING OVER TO CITY ATTORNEY GEORGE HERRELSON.

HERRELSON STATED THAT AS OF JULY 1, 1977 THAT IT WENT INTO EFFECT THAT IF THE COUNCIL WANTS A OPEN OR EXECUTIVE SESSION THEY COULD HAVE EITHER ONE.

MAYOR MURRAY SUGGESTED TO RECONVENUE IN THE COURT ROOM.

MARY ANN LITTLE TOOK OATH. SHE STATED THAT SHE HAD ATTENDED WORK SHOPS IN KANSAS CITY AND TOPEKA ON HOW THE PROGRAMS WERE TO BE HANDLED. SHE ALSO STATED THAT THEY HAD BEEN CHECKED BY FEDERAL AGENTS SEVERAL TIMES ON DIFFERENT OCCASIONS BUT THEY HAD FOUND NOTHING.

KENNETH CARTER HAD BEEN HEAD MECHANIC FOR THE SAME PROGRAM FOR THE LAST 8 OR 9 MONTHS. DUANE HADLEY WHO HAD BEEN FOREMAN FOR ONE YEAR PRECEDING CARTER HAD SUGGESTED CARTER TO BE FOREMAN AND JENKINS AND PICKERING TO BE INSPECTORS.

MARY ANN SAID THEY DID NOT DISCUSS THE HIRING AND FIRING OF EMPLOYEES AT THE TIME OF HIS EMPLOYMENT. MARY ANN TOLD HIM HE WAS IN CHARGE OF THE STREET CREW WHILE SHE WAS GONE ON VACATION. AND IF HE HAD ANY PROBLEMS HE COULDN'T HANDLE TO TAKE IT TO THE COUNCIL.

THE WAGE SHEETS WERE BROUGHT OUT AS EXHIBITE 1, 2, & 3.

HERRELSON BROUGHT UP THE FACT THAT THEY FAILED TO FOLLOW ORDERS AND FAILED TO COME TO WORK.

IT WAS REQUESTED BY JENKINS THAT CARTER'S WAGE SHEET AND MATHEW SUMMERS TO BE PUT IN AS EXHIBITES. IT WAS STATED THAT THEY ARE ENTITLED TO EIGHT SICK DAYS AND COULD HAVE UP TO 15 DAYS SICK LEAVE.

BILLY HARTMAN HAS WORKED ALMOST 40 HOURS EVERY WEEK AS OF JANUARY 1977, WITH APPROXIMATELY 3 1/2 DAYS OF SICK LEAVE.

JERRY JENKINS HAS WORKED AROUND 36 HOURS A WEEK AS OF JANUARY 1977, WITH APPROXIMATELY 32 HOURS OF SICK LEAVE.

STEVE PICKERING HAS WORKED 32 OR 33 HOURS A WEEK AS OF JANUARY 1977, WITH APPROXIMATELY 6 1/2 DAYS OF SICK LEAVE.

HERRELSON ASKED MARY ANN IF HADLEY HAD ANY COMPLAINTS ABOUT ABSENTEEISM ON THE PART OF EMPLOYEES. SHE STATED HADLEY NEVER COMPLAINED ABOUT EMPLOYEES NOT WORKING HADLEY SENT THEM HOME WITHOUT PAY WHEN IT WAS RAINING SHE STATED.

CARTER'S WAGE SHEET WAS MADE EXHIBITE 4.

IT WAS STATED THEY LET REX GANDY BE OVER THE CREW UNTIL CARTER WAS MADE FOREMAN.

HOW MANY DAYS CARTER HAS BEEN ABSENT FROM WORK WAS BROUGHT FORTH WHICH WAS 4 SICK DAYS AND 2 REGULAR DAYS.

MARY ANN WAS TOLD SHE COULD LEAVE THE STAND. KENNETH CARTER NOW TAKES STAND AND ALSO TAKES OATH.

CARTER STATED HE WORKED AS FOREMAN FOR FOUR YEARS AT GMC TRUCKS. HE STATED HADLEY HAD TALKED TO HIM ABOUT TAKING THE FOREMAN'S JOB.

EXHIBITE 5 WAS PAPERS CARTER HAD ABOUT HOURS OF EMPLOYERS AS OF JULY 18, 1977 WHEN CARTER TOOK THE JOB AS FOREMAN WHICH ONLY INVOLVED 10 WORKING DAYS.

EEB990

CARTER STATED JERRY JENKINS HAD MISSED 20 HOURS, STEVE PICKERING HAD MISSED 12 HOURS AND BILL HARTMAN HAD MISSED 16 HOURS DURING THIS TIME.

CARTER TOLD THEM ON FRIDAY JULY 29 THAT IF THEY DIDN'T WANT TO WORK HE WAS GOING TO GET THE WORK DONE EITHER WITH THIS CREW OR ANOTHER ONE.

CARTER ALSO SAID THAT JENKINS AND PICKERING TOLD HIM TO LAY THEM OFF SO THEY COULD DRAW UNEMPLOYMENT.

PICKERING SAID HE CALLED IN SICK MONDAY BUT WAS FIRED ANYWAY. PICKERING ALSO SAID CARTER MADE THE STATEMENT THAT HE WAS A TROUBLE MAKER AND WOULD BE FIRED.

JENKINS ASKED CARTER IF HE HAD NOT STATED TO THE COUNCILMAN THAT HE DID NOT KNOW THAT MUCH ABOUT THE STREET DEPARTMENT.

CARTER SAID THEY HAD BEEN PAID A DAY AND A HALF THAT WASN'T ENTITLED TO THEM AS HE SEEN IT.

BILL HARTMAN ESTABLISHED THAT HE DIDN'T HAVE A PHONE AND HAD MADE THE STATEMENT THAT HE WAS SICK.

IT WAS ALSO STATED THAT MATHEW SUMMERS HAD MISSED 27 HOURS AND HAD NOT BEEN FIRED. CARTER WAS DISMISSED FROM STAND.

BILL HARTMAN ASKED MAYOR MURRAY TO TAKE STAND AND TAKE OATH. HARTMAN MADE STATEMENT HAD HE NOT WORKED FOR THE CITY TWO YEARS PRIOR TO THIS TIME WITH A GOOD RECORD. REPLY YES.

HE ALSO STATED HE THOUGHT CARTER HAD SOMETHING AGAINST THE CREW. IT WAS SET AT LAST COUNCIL MEETING THAT THE DEPARTMENT HEAD HAD THE RIGHT TO HIRE AND FIRE WITH THE APPROVAL OF CITY COUNCIL.

CARTER STATED THAT IF THEY HIRED THEM BACK HE WOULD RESIGN AS FOREMAN. THE QUESTION WAS BROUGHT UP AS TO WHY THEY WERE SUSPENDED FOR SEVEN DAYS?

IT WAS STATED TO PICKERING THAT WAS WHY THEY SET THE HEARING WAS TO HEAR BOTH SIDES AND TO DETERMINE WHETHER THEY ARE FIRED OR HIRED.

PICKERING ASKED THAT JIM BANKSON TAKE THE STAND AND ALSO THE OATH.

JENKINS ASKED BANKSON IF CARTER HAD THE RIGHT TO HIRE AND FIRE. HE ALSO ASKED HOW MANY STREET EMPLOYEES THERE WAS OUTSIDE OF COMMUNITY DEVELOPMENT, TWO EMPLOYEES, FOSTER AND BANKSON WAS REPLIED.

ROY HOPKINS WAS ASKED TO TAKE THE STAND BY PICKERING AND ALSO TO TAKE OATH. HOPKINS SAID HE AND DAVIES GAVE REX GANDY THE RIGHT TO BE OVER THE STREET CREW. PICKERING ASKED IF THEY WERE INFORMED ABOUT THIS? HOPKINS SAID HE LEFT A NOTE THAT EVENING AND ALSO CAME BY THERE THE NEXT MORNING BUT NOBODY WAS THERE.

PICKERING ASKED HOPKINS IF HE WAS ON THE STREET COMMITTEE? HE REPLIED NO.

HERRELSON STATED THE FACT THAT HE DID HAVE THE RIGHT TO HIRE AND FIRE WHETHER OR NOT HE HAD JUST CAUSE. HERRELSON ALSO STATED THAT THEY GOT TWO DAYS WAGES THAT SHOULDN'T HAVE BEEN PAID, THAT CARTER HAD JUST CAUSE TO FIRE THEM.

MATHEW SUMMERS WAGE SHEET WAS MADE AS EXHIBITE 6. IT WAS BROUGHT OUT THAT SUMMERS HAD LOST 75½ HOURS OF WORK SINCE JULY 18, 1977 AND HAD 6½ DAYS OF SICK LEAVE SINCE JUNE 6.

BILL HARTMAN TOOK STAND AND TOOK OATH. DAVIES ASKED HARTMAN IF HE HEARD CARTER SAY THAT HE WAS GOING TO FIRE THEM ALL IF HE BECAME FOREMAN. HE SAID HE HEARD HIM MAKE SUCH STATEMENT. HE SAID HE DIDN'T KNOW HE'D LOST HIS JOB UNTIL JENKINS CAME BY HIS HOUSE AT 12:30 AND TOLD HIM.

JERRY JENKINS NOW TAKES STAND AND ALSO OATH. BANKSON ASKED JENKINS IF CARTER HAD EVER SENT HIM HOME WITHOUT PAY. REPLY WAS NO. JENKINS SAID HE ALSO HEARD CARTER MAKE THE STATEMENT THAT HE WOULD FIRE THEM ALL IF HE BECAME FOREMAN. HE ALSO ASKED JENKINS IF HE KNEW WHY HE MADE SUCH STATEMENT AND HE REPLIED HE THOUGHT IT WAS PERSONAL REASONS ON CARTERS PART.

PICKERING SAID THE ONLY REASON HE KNEW CARTER DIDN'T LIKE HIM FOR WAS BECAUSE HE HAD CALLED CARTER A "WINDBAG GOSSIP."

EEB990

EEB990

PICKERING ALSO STATED THAT HE HAD ABUSED THE SICK PAY ONE DAY. DAVIES ASKED PICKERING IF HE EVER ASKED CARTER TO LAY HIM OFF? HE REPLIED YES. DAVIES ALSO ASKED HIM IF HE THOUGHT THE ROADS WERE READY. HE SAID YES. HE ASKED HIM IF HE WOULD GO BACK TO WORK FOR CARTER? HE ALSO SAID YES. THEN HE SAID IF CARTER ISN'T WORKING THEN HE WAS ASKED AGAIN THE SAME QUESTION HE THEN STATED YES.

JENKINS WAS ASKED IF HE WOULD WORK FOR CARTER AND HE REPLIED IF HE TREATS US FAIRLY. HE WAS THEN ASKED HAS CREW BEEN COMPLETELY FAIR TO CARTER? HE REPLIED YES.

HARTMAN TAKES STAND AGAIN AND HE WAS ASKED IF HE ASKED CARTER TO LAY HIM OFF. REPLY WAS NO I CAN'T AFFORD TO BE LAID OFF. DAVIES ALSO ASKED HIM IF HE COULD WORK WITH CARTER? REPLY YES.

HARTMAN ALSO STATED THERE WAS QUITE A BIT OF WORK TO BE DONE YET.

CARTER TAKES STAND AGAIN. HE WAS ASKED IF HE COULD WORK WITH THE SAME CREW? REPLY NO. HE WON'T TRY IT WITH THE SAME CREW.

LLOYD BURROWS TOOK THE STAND AND OATH. HE SAID DUANE HADLEY WAS THE ONE WHO ASKED THEM IF THEY WANTED TO BE LAID OFF UNTIL TIME TO PAVE ROADS AGAIN.

COUNCIL NOW DECIDES TO TAKE VOTE WHETHER OR NOT TO KEEP EMPLOYERS. THEY VOTED BY BALLET AND HAD FOUR YES AND THREE NO VOTES SO MAJORITY WAS TO KEEP EMPLOYEES.

MOTION WAS MADE BY ALLEN AND SECONDED BY MURRAY TO GIVE EMPLOYEES BACK PAY FOR DAYS SUSPENDED. MOTION CARRIED.

MOTION WAS MAD BY ALLEN AND SECONDED BY MURRAY TO ADJOURN. MOTION CARRIED.

Jack N. Murray
JACK N. MURRAY, MAYOR

Jack La Turner
JACK LA TURNER, CITY CLERK