

**City of Oronoco**  
**Special City Council Meeting Agenda**  
**August 31, 2020**  
**6:30 PM**

- I. Call to Order
- II. Roll Call  
Mayor Ryland Eichhorst, Councilor Lori Novak, Councilor Carl Krause, Councilor Nancy Quimby, Councilor Trish Shields.
- III. Approve Agenda  
Councilor Trish Shields approves agenda, Councilor Lori Novak seconds. Motion carried. 5-0.
- IV. Termination Hearing Pursuant to City of Oronoco Personnel Policy

The agenda item is Termination Hearing Pursuant to the City of Oronoco Personnel Policies. We are conducting a termination hearing at the request of City of Oronoco employee, Rebecca McGuire. The process and potential options of actions to take were initially described in Flaherty & Hood, P.A.'s memorandum to the City Council of August 3 and August 5, 2020.

Council members, I recommend that we do the following:

Give Ms. Bodin time to give us background on the termination hearing process.

City Council members discuss our initial action taken on August 5, 2020, when we proposed Ms. McGuire be terminated from employment with the City of Oronoco, and what, if any, final action to take.

Give Ms. McGuire and/or her representative an opportunity to respond to the City Council's initial action of August 5, 2020, proposing that she be terminated from employment.

After Ms. McGuire and/or her representative make their presentation, Council members may respond or ask questions of Ms. McGuire and/or her representative.

Ms. McGuire and/or representative may reply to the responses or questions.

After the discussions are concluded, the City Council will deliberate,

If we are going to take any formal action on this matter, we would do that at the conclusion of the deliberations through a motion and vote.

City Council members, do you have any comments on the proposed process?

Seeing none. Attorney Ms. Bodin, please provide us some background for the termination hearing process.

Ms. Bodin explained the difference between this meeting and the previous meeting August 3 and 5. Essentially, it is established per the City of Oronoco Personnel Policy which was the initial action followed by initial action for the employee and attorney requesting an open meeting. After the August 5 meeting, Rebecca McGuire had the opportunity to request a hearing 10 days after the August 5 meeting. Rebecca McGuire requested a termination hearing and an agreement was determined to have the termination hearing on August 31. The Personnel Policy does not identify the hearing process, but it is similar at the August 5 meeting process. Council members can discuss any other than the initial meeting discussion. All the previous meetings

and council discussion should be taken into account. Additional comments from Rebecca McGuire will be heard. Then the council can proceed with a deliberation and a final decision and motion to take action. The council cannot take the time to have that discussion.

City Council members, we will not discuss our initial action taken on August 5, 2020, when City Council proposed that Ms. McGuire be terminated from employment with the City of Oronoco, and what final action, if any, we would like to take.

Seeing no other comments, Ms. McGuire, you and/or your representative may not respond to the City Council's initial action of August 5, 2020, proposing that you be terminated from employment. Please only address specific matters already raised at this meeting, the August 5, 2020 meeting, or within correspondence issued to you on August 1, 2020.

Rebecca McGuire wanted to touch on the highlights regarding the 40 hour work week. Per the Personnel Policy, 32 hours is required, not 40 hours. The 40 hours was not required to save costs. So she adjusted her hours to 40 hours which was more than the council required. The current Personnel Policy did not require 40 hours because it was not changed recently. Mayor recognized that Rebecca McGuire was working and was here before 9 am. With the new City hours the City Clerk would come in at 7 AM and I would come in at 8 am as determined by the Personnel Committee. Rebecca said she was here by 8am. She came in early for training at times. I became the Deputy City Clerk 1 January 2019 and was on probation until 1 July 2019. After my 2019 review I was at work, but there was a time clock issue. Public works continued to reset the time clock to try and correct the error. At the annual 2019 Council review, the Personnel Committee said that the situation been corrected and the review should had been reviewed. If the Personnel Committee would have followed the Personnel Policy, warnings should have been written. The Personnel Committee should have documented corrective actions to be taken and sent to Council members. They should have been sent to the Council. She has asked for documentation and that does not exist, only the annual reviews. The Mayor was not aware of proper responsibility. There was no discipline action taken and no documentation. Documentation should have been taken care of. Mayor signed every payroll time cards and should have seen them. Council member were shocked by my timecards. I made it in before my shift start time to help with training. If you look at the time I can in early, I made my 40 hours and the Mayor has acknowledge that I had. I am a great employee for the last 8 ½ years. I was able to update the Personnel Policy to have current updates. Rebecca McGuire is willing to request her records be updated to eliminate the tardiness.

City Council members, you may now respond or ask questions of Ms. McGuire and/or her representative, which may reply to.

Councilor Novak asked Rebecca McGuire about working 40 hours. Rebecca responded by working up to 40 hours. Council Novak asked about the balance of the hours are to be worked between 8 am and 5 PM. Councilor Novak asked why do you want to work here? Ms. McGuire has relationship here and enjoyed working here. City Councils change every 2 years and sometimes that causes change. Rebecca McGuire said that she has not had problems with other staff members. It is not toxic and never had problems with other staff members

Councilor Krause asked Rebecca McGuire about spending 2 hours up at the Post Office when picking up the mail. Ms. McGuire said that she never spent 2 hours at the Post Office. This occurred before the time period of the timecard evaluation. Council Carl Krause claimed that some residents saw her talking to the postmaster for a long time. Council Carl Krause said that there are other things that there were problems with Rebecca McGuire.

Mayor Eichhorst commented about Rebecca McGuire coming in before 9AM and that was inconsistent before the May 21 office hour time change. At the August 5, 2020 meeting the council commented about the punching in times being inconsistent. After May 21, 2020 with the

new hours, Ms. McGuire was coming in before 8 am and then changed to 7 AM. Even though Rebecca McGuire came in early before 8 am start time, you were paid for time when you punched in vs waiting till closer to 8 am start time. There is a indication for tardiness and inconsistent and was not reliable.

Councilor Carl Krause asked about the Personnel Committee discussing timecards and why it wasn't discussed. Councilor Trish Shields said that she was not aware of the timecard issues. Councilor Carl Krause repeated that we are terminating her for other problems. Councilor Trish Shields said that she was here before 9 am. Discussion between Councilor Nancy Quimby and Councilor Trish Shields continued regarding Rebecca McGuire's timecard being late.

Councilor Lori Novak asked if she could ask the City Clerk a question whether the hour was used for training or not. Should have we paid Rebecca McGuire the extra pay for training? Mayor Eichhorst asked Attorney Chelsea Bodin whether or not our City Clerk could respond to the question? Chelsea Bodin said that it is too late to ask for this information. What were you able to get done during the training period? Rebecca McGuire replied about answering email and how they should be handled and how to prepare with responses to various topics. Councilor Lori Novak asked Rebecca McGuire if there was a lot of issues to discuss? Rebecca McGuire said that there was a lot of issues, COVID-19 issues and reports, expectations with how to respond that the City Clerk needs to learn.

Mayor Eichhorst mentioned that Personnel Committee had a meeting June 20, 2020 with Rebecca McGuire and our City Clerk regarding training that was not happening on a regular basis. Water billing and bank reconciliation training was not being done effectively. A schedule for reviewing email the first part of the day was discussed and then training occurring later in the day. Initially the training was being done and then it strayed back to what it was like before. Training for building permits or being able to answer permit questions was not being done and causing confusion for the City Clerk. Rebecca McGuire said she made a process for the City Clerk to follow. Ms. McGuire said July was a very busy month and confusing.

Councilor Lori Novak asked about the Personnel Policy being updated. Rebecca McGuire explained updating the Personnel Policy requires motions by the Council for what needs to be changed and approved.

Mayor Eichhorst referred back to the timecards where Ms. McGuire was late several weeks in June. The week of Jun 8 Ms. McGuire was late June 12 at 7:04 AM. Week of 15 June, Rebecca McGuire was late June 18 at 7:10 AM. Week of June 22, Ms. McGuire was late June 24 at 7:03 AM, June 25 at 7:01 AM and June 26 at 7:03 AM. Rebecca McGuire said that she was early for 8 AM start time. Mayor Eichhorst responded saying that you were paid starting at those times and stopped when she reached either 8 or 9 hours for the day. Rebecca McGuire responded said that she was training. Councilor Lori Novak challenged Rebecca McGuire starting at 7am for training. Mayor Eichhorst said that punching in at 7 AM and leaving around 4 PM was not acceptable. If you were punching in early for 8 AM, then you should have punched in closer to 8 AM..

Councilor Krause made a comment about Ms. McGuire taking a long time to go to the bank. Mayor Eichhorst said that we need to be factual as we can with our comments.

Mayor Eichhorst thanked Rebecca McGuire for her time and coming into today.

Mayor Eichhorst said we must now deliberate over what course of action to take related to Ms. McGuire's employment with the City, if any.

Seeing none, I will entertain a motion as follows, Councilor Carl Krause makes a motion that Rebecca McGuire be terminated from employment, effective September 1, 2020. That Mayor Eichhorst and Councilor Trish Shields from the Personnel Committee consult with legal counsel

to draft and provide Rebecca McGuire with any appropriate notices and directives to this decision. Councilor Nancy Quimby seconds the motion. Any other discussion.

Trish thought it is early to make a decision. The Personnel Committee should have been following the process. Councilor Lori Novak asked why? Councilor Trish Shields said that we should have followed the process. Councilor Trish Shields was not familiar with the Personnel Policy and we needed to follow it, verbally or written. Rebecca McGuire was given a tardiness notice in 2019 and Rebecca took care of the issue. Councilor Lori Novak – Rebecca annual reviews in 2018 and 2019 called out the need to work on office hours and coming in late. Councilor Lori Novak asked the attorney whether or not a comment in the Annual review was considered a warning. Attorney Chelsea said that discipline action is typically noted in a warning and shared other thought regarding the process that did not take place.

Mayor Eichhorst commented that the working relationship in the office was not very good. Rebecca McGuire's inconsistency of coming in caused problems, especially when the City Clerk took calls and was not able to respond when Ms. McGuire would be in the office

All in favor of the motion, 4 – Ayes and 1-Naye (Trish Shields). Approved.

Mayor Eichhorst will work with Attorney Chelsea Bodin to send the termination letter to Ms. McGuire.

V. Adjournment

Motion by Councilor Carl Krause to adjourn. Councilor Nancy Quimby seconded the motion. 5-0 Approved

Meeting adjourned at 7:35PM.

VI. Adjournment