

**MINUTES OF THE INFORMAL MEETING OF THE JOHNSON COUNTY  
BOARD OF SUPERVISORS:  
FEBRUARY 4, 2011**

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Chairperson Harney called the Johnson County Board of Supervisors to order in the Johnson County Administration Building at 1:30 p.m. Members present were: Pat Harney, Terrence Neuzil, Janelle Rettig, Sally Stutsman, and Rod Sullivan.

**PERSONNEL QUESTIONS RESULTING FROM CLOSURE OF COUNTY  
OFFICES ON FEBRUARY 2, 2011**

Harney said there are a lot of questions about whether employees should be paid for the day of missed work on February 2, 2011. He said due to the weather conditions the Board did not have much choice about closing County offices on that day and it is now a matter of how the Board will work out the details of that closure.

Stutsman said she would like to hear from Human Resources (HR). Whenever a decision is made regarding personnel there are always unintended consequences that were not thought through. Sullivan said it is important to note that he thinks Harney made the right decision. He said he has talked to a lot of employees since February 2, 2011, and there are not too many people who think the decision to close was wrong. It is now a question of where they go from here. Rettig said Stutsman was not available at the time the decision was made. Stutsman said she was in Detroit, Michigan waiting to get a flight home.

Rettig said Interstate 80, Highway 218, and Highway 6 all closed on February 2, 2011. Iowa City was able to clear main roads but not others. Most residents did not get out until noon, if not later on secondary roads; some could not travel until midnight. Also, the buses were not running. Rettig said to have the County buildings open would have been irresponsible to the greater public safety of keeping people off of the roads. She said it is unfortunate that some offices disregarded the Board decision to be closed, but she thinks the Board had no choice but to close County offices. Unless there is the expectation that employees are required to walk three to 60 miles to work, with roads closed and no buses running, Rettig is not sure how they were to arrive to work otherwise. Harney said Facilities Manager David Kempf was unable to have the parking lots cleared for access to the facility. He said he understands some people had to work in Ambulance and Secondary Roads. They had a hard time reaching the building and Secondary Roads was delayed.

HR Administrator Lora Shramek said looking at past practices the County has never closed due to snow. They did close the building due to the 2008 floods and in that situation they issued a water emergency policy that paid employees because they remained able and available for work and were reachable by phone. The past practice with snow is that the County has always remained open. The Safety Committee has been drafting a policy addressing both safety and compensation. Shramek said she thinks that compensation and safety are two different things and do not go hand in hand. She said the Board could go either way.

Shramek said the other thing to keep in mind is the County has collective bargaining agreements that specifically address this issue. Mental Health and Disability Services (MH/DS) employees will be paid their regular salary for the entire day when the building is closed. Those employees already have a policy. Harney asked which groups Shramek is referring to. Shramek said Social Services and MH/DS have the agreements. Rettig said that does not include Public Health. Shramek said that is correct.

Stutsman asked what would happen if someone was on vacation and had already scheduled to take the day off. Shramek said that would be vacation. Rettig said that person was not able to come to work. Shramek said that employee had already asked for the time off in advance. Stutsman said OK.

Shramek said the other collective bargaining agreements, Sheriff's Office, Ambulance, and Secondary Roads, were all working because they have to due to the nature of their jobs. When looking at the comparable counties it is a mixed bag. Linn County closed their offices and employees had to take personal time off or go unpaid. That decision was tested in arbitration about seven or eight years ago and was upheld. Scott County facilities were open and work was available for employees who were able to make it in. They encouraged people to make decisions based on their personal safety. If they were unable to make it in they had to take paid leave time. The reasoning for that decision was because the Sheriff's Office, Jail, and Juvenile Detention personnel needed to be working so Scott County decided the standard should be the same for all public employees. This alleviates a lot of the to pay or not to pay problems.

Shramek said Black Hawk County did not close and those who could not make it in to work took a casual or vacation day. Dubuque County did not close and if staff was unable to make it in they took a personal day or a vacation day. Clinton County said if they close their offices, except for essential emergency personnel, employees are paid for the day. Stutsman asked if Clinton County closed their offices. Rettig said she does not think they were hit as hard with the storm.

Neuzil said he thinks the Board should handle this situation the way they did with the flood. Each department and elected official needs to approach the employee and ask if they were available to work. They can determine if the employee was available to work or able to be on call. Neuzil said it seems to him that all employees were considered to

be on call unless they state otherwise. That is how he would like to see this situation handled. Rettig agreed.

Rettig said the Board closed the building and they are going to have a broader problem when considering the people who reopened the building. The Board closed the buildings, other than those for emergency personnel. They sent out the instruction that emergency personnel were to report to their supervisor for further instruction. She said everyone should not have to take a vacation day, personal day, or sick leave. The Board did not have the building open or an alternate site for employees to work. A person who lives three blocks away could have gotten to the building while people who live 100 miles away could not have. Rettig said she lives three miles away and would not have been able to make it to work even with a four-wheel drive vehicle. The end of the street was plowed in and the snow was four and a half feet deep.

Rettig said the employees required to work, such as Secondary Roads, Ambulance, and the Sheriff's Office, and Physical Plant staff should receive a compensatory day at some other time to be used at their discretion. The Board closed all buildings and if they were not clear enough in their language that is a lesson to be learned. Some people thought they had independent authority to reopen offices and reopen the front doors. Rettig said she thinks that is the only fair way to handle this situation. The Board made it impossible for employees to come to work even if they wanted to.

Harney asked Neuzil if he is saying that if employees were on call they should get paid for the day of work. Neuzil said yes and he is assuming that all employees that were unable to come in were probably on call. He recommends handling this like they did with the flood.

Sullivan said he has a big concern with the Linn County policy. They would like to think every department head and elected official is this benevolent person who will never do wrong. He said he thinks employees are put in a tremendously bad position. Sullivan asked what happens if an employee who lives in Mount Vernon notices the weather is getting worse and wants to leave but their supervisor disagrees. The supervisor may not approve vacation time for that employee or there may be a situation where an employee does not have any sick leave or vacation time left. Sullivan asked what happens if employees are forced to take time off but they do not have leave available.

Sullivan said closing the County was an action initiated by the Board and the Board should cover it. It is something that has happened four days in the past six years; another one or two days could have been included if there had been a policy. It is not going to cost the County that much money. It is unfair to employees to put them in the position of having to make the decision to risk life and limb to get to work because they cannot afford the vacation day or they cannot afford their boss' discipline for not coming in to work. He said they can say that will never happen, but it will.

Rettig said she thinks weather closings will rarely happen but will be more frequent than in the past. The weather extremes are becoming even more extreme. She thinks the

Board will face this issue again. Sometimes it may be a good idea to send everyone home at a certain time because they know for a fact the interstates will be closed within two hours. With the recent County closure, they could have made the decision at midnight the night before because they knew what was going to happen with the weather. There will be these circumstances in the future. She said people who are required to get to work in any way possible should not be penalized. They should get an extra personal day or eight or two hours, whatever the Board has closed the building for.

Sullivan said in the two most recent instances where this has occurred, the flood and the snowstorm on February 2, 2011, it is a public safety issue. The Board is trying to tell employees to not be on the road. These employees potentially risk other employees who work for Emergency Management, Ambulance, the Sheriff's Office, and local fire fighters. These employees are putting their lives on the line to save someone who is out driving around when they should not be out. It is a public safety issue the Board needs to take more seriously. It is not whether the employee can make it in; they should not come in to work. Harney said the Sheriff's Office and some other departments allowed their staff to go home at noon on February 1, 2011, because the weather was getting bad and they were not recommending driving if their destination was far away.

Stutsman asked about compensation for the emergency staff that was working on February 2, 2011. She asked if the Board could allow them another day off in the future or if their pay needs to be for time and a half because of their contract. Neuzil asked if they can give those employees a vacation day. Shramek said they can give those employees another personal day. Stutsman said OK. She asked if they worked two shifts if two days off would be given. Shramek said compensation is a mandatory subject of bargaining and anything given over and above would be more than what the Board would have to give. Stutsman said OK.

Rettig said when the Board closes the building for eight hours the employee should get a personal day to compensate for that. She said if an employee came in to work at midnight and they held the employee over because they needed them to plow the following day as well, they are getting overtime for anything above eight hours. She asked in this situation if that means the employee would receive 16 hours. Rettig said she does not think anyone was held over. Shramek said that overtime is not eight hours in a day it is 40 hours in a work week. They do not know whether they might be in overtime midweek. Harney said if the Board is going to give them an extra day it should be a flat eight hours for eight hours. He said he would like to hear from other elected officials if they have any comments on this topic.

County Recorder Kim Painter said she did appreciate the decision that was made. She was in a position by 4:30 a.m. or 5:00 a.m. on February 2, 2011 of trying to decide if she would close the office all day or close until noon. She patrolled the neighborhood and realized the closure would have to be all day. She was glad to see a coherent and unified decision made by the Board. Painter said it was unfortunate there was any split in the decision by individuals.

Painter said with the flood the County had more advance notice to make their decision to close the offices. Employees were able to move more of their materials to remote locations not affected by the flood and personnel could continue to work with citizens. The County did provide a great deal of service during the flood. The same was easily true during this blizzard. She said she had almost no people contact her to try and get any help because everyone was struggling with the blizzard itself. She said she was able to answer the few emails she received and take care of everything. Technology allows the County to continue to serve the public during building closures.

Painter said she used Twitter to say the Johnson County Recorder's Office proudly served the citizens of Johnson County throughout the 2011 blizzard by email, phone, and e-recording options. She said she posted that "four walls do not an office make." This is becoming truer all the time. The employees want to be present for their hours of business but in these rare cases they can still provide a tremendous level of service. She thinks they all succeeded in making the County proud. It is smart to have a policy and she supports it completely. Painter thanked the Board.

County Treasurer Tom Kriz said he concurs wholeheartedly with Painter. The decision was right. The other thirteen employees in the Treasurer's Office appreciated the decision being made as well. Kriz said while the department has a couple employees that could walk to work and another employee whose spouse moves snow, it was the right decision to make. The County has a responsibility to all of the citizens of the County to make sure they are not forcing their employees to get to work which could result in an accident for somebody else.

Kriz said this situation points out greatly that the County needs a policy for making the decision to close. He agrees wholeheartedly with the decision the Board made to close and he called his employees to tell them the Administration Building is closed, it will not open, and they are not required to come to work. He said it is unfortunate that was not done in other areas and they will address that issue later. The employees were appreciative of the decision to close. They were willing to take the chance to come in to work but did not want to and it made no sense to attempt to get to work.

Kriz said he agrees with Neuzil and the right thing is to pay the employees. The staff that was on call; himself, Maintenance Worker I Mike Vanheel, Maintenance Supervisor Sharon Butler, and Maintenance Worker I James Miller, were moving snow and attempting to open the Administration Building. They had to be there and they had to work. Regardless of what people think, the Motor Vehicle unit of the Treasurer's Office is not an essential purpose. To get vehicle tags is not something that has to be done on a specific day. He and his employees agree with the decision made by the Board. He said it is right and fair to take care of it and compensate the time. Linn County's policy makes it difficult for employees and may force them to make a decision they probably should not make. Not everyone abided by the decision to close the building and that is something they will have to address. He said he thinks the Board is on the right track to compensate the employees.

Harney asked if there is anything the department heads and elected officials do not know about this decision that would create something problematic, other than what they are currently discussing. Kriz said the only thing that happens for the Treasurer's Office is like any other day they are not in the office; all of the people come to work the next day. He said he cannot speak for the other departments but that is how it works for them.

Harney said he likes the idea of offering eight hours for eight hours, which is a flat exchange for a day off. It costs the County a little bit of money, but for safety and operational reasons it is the best thing for the County to do.

Shramek said there is another situation to consider which is if an employee's scheduled day off was February 2, 2011. Harney said if that was the employee's day off it was their day off. Rettig agreed and said the employee was not available to work. Stutsman said it is like vacation. Rettig said that it is important to remember, for example, Stutsman was trying to get home and unable to work. If another employee is in the hospital, on maternity leave, or not scheduled to work they were unavailable to work. If the Board closes the building for whatever reason, chemical spill, storm, or flood, that employee was unavailable to work and already had the day off. Rettig said if the employee was willing to come to work and was scheduled to work it was the Board who told them not to come in. She said two elected officials and one of the departments opened and another department that is controlled by a commission opened. That is unfortunate. Rettig said that will be a source of a different discussion to consider whether the Board was clear in the language. The Board did not actually say the buildings are closed and that will be a lesson for a future date.

Sullivan said he is in agreement for paying employees. There was staff that showed up and nothing changes for them because they worked. Harney said they worked so they get the extra day off. Stutsman said no, just emergency personnel. Sullivan said no, because they worked. Stutsman said that is what the Board has to be very clear about. If staff did come in they are not going to get time and half or another eight hours. Sullivan said they should not get anything and frankly he would have preferred if they stayed at home.

Rettig agreed and said the Board said the County is closed except for emergency services. If elected officials, Conservation, and one person in Planning and Zoning made a decision over that, it was wrong. If the Board was not clear enough in their language that will be a lesson for another time but she said she does not think they need to give someone eight hours off when they disobeyed what the Board of Supervisors said. The Board made the best judgment they could and the County was closed. It was deemed unsafe for people to be out, there was nowhere for people to park, they should not have been on the roads, they did not want to haul people away, and they did not want them in the way of the snow plows. Harney said the comment that was released by the Board was that all administrative offices were closed.

Stutsman asked if they are talking about not paying the County employees who did work the day the County offices closed. Sullivan and Neuzil said they are talking about

not paying them extra. Stutsman said they are not talking about paying anyone extra except for emergency personnel. Sullivan said he wanted to clarify that point. Rettig said according to the press release, the Auditor's Office opened, the County Attorney's Office opened, Conservation was open, and one person in Planning and Zoning opened the office when the Board ordered the Administration Building closed. Rettig said the building should have been locked for security reasons and not available for the public to enter. Sullivan said another reason is liability. Rettig agreed. She said someone ordered Kempf to reopen the doors and if he did that made the entire Administration Building available with little supervision, including the Board of Supervisors' suite where the door is unlocked. If the Board has decided a building is closed, it is closed. She said she thought that is what the Board did.

Painter said it is right to say this is a beginning process for the County and this was the first occasion. Hopefully, it will be a long time before they ever have to do it again. She said she knows when she agreed to call a few people her impression was the Administration Building was closed. The people she spoke to, including County Attorney Janet Lyness, were told by her that the Board had agreed to close the Administration Building. Painter apologized for any confusion she may have sown by saying that to Lyness. That message was her impression of what was decided and she apologized for any confusion. Harney said Lyness understood and he spoke with her as well and told her they were closing but Lyness did not know what the courts were going to do that day. Painter said OK, she just wanted to make that clear. Sullivan said the Board needs to be clearer.

Rettig said the County Attorney follows the court, the Iowa Department of Human Services (IDHS) follows the State, and that creates its own set of problems. She said they can close and say no one is allowed in the building due to a chemical spill and say trespassers will be arrested. She considered coming in and doing desk work when her roads were open but she does not think the front doors should have ever been unlocked after they decided the County offices were closed.

Harney said Executive Assistant Andy Johnson made the calls to the department heads. Johnson said correct and said it was not as clear as what Harney had indicated. He said he had talked to Shramek and it was his understanding that people did have the option to come to work. Johnson said his understanding was the County offices were closed to the public. In conversations with some department heads he did say people had the option to come in to work but if they did not it would count as a vacation or personal day, since that was his understanding of the policy. Sullivan said there is no policy and that is part of the problem. Rettig and Johnson agreed. Johnson said that was his understanding of what the Board had decided.

Rettig asked how the Board should take care of this situation retroactively. There is a difference between having the building closed to both employees and the public, having the building closed to the public but employees can come in, and an individual making the decision to go home early because they live far away and taking their own time off to do that.

SEATS Director Tom Brase said the laws for Americans with Disabilities Act (ADA) state that if the fixed route runs, SEATS has to be open for service. They had people getting to the Iowa City and Coralville transit via plows. He did not tell his staff not to come in but he wanted to make sure they were safe before they made any decisions. Some employees came in and did an outstanding job of cleaning up and working on vehicles. Brase said according to ADA law the phone has to be available for next day reservations. Someone has to come in to the office and receive calls and maintain communication to explain SEATS is not going out. He said he wanted to make the Board aware of that and he agrees with their decision about closing the Administration Building offices. If the fixed routes are open it is almost necessary that employees who live close come in or that employees who can be picked up and brought to the office come in.

Rettig said Brase would be covered in this proposed plan because it states that employees performing emergency, public safety, road, building maintenance, transportation, and health care related functions can come in. She said with this plan if Brase deemed the first five people who arrive at the office are working and everyone else is told to stay home, the first five people would get a compensatory day some other day and the rest of the employees would not have to take personal time off for that day. Brase said that makes sense. He said he had some employees who were able to make it to work by noon and took the place of those employees who had made it to work earlier in the day so they could go home. Brase said he wanted to inform the Board of what happened that day.

Kriz said if somebody was at the Administration Building early he can assure the Board the building was locked. When they were given the information that the building was closed, he and a deputy in his office made signs to post on the door that notified the public the building was closed and included the date. He said when they left at 7:00 a.m. the building was locked. There were people in the Auditor's Office and they offered those people a ride home. Those employees chose to stay and said they had the right to be there and work. Kriz said he does not think that is right. He said as an elected official he does not think it is right if there is a feeling employees can make their own decisions about opening the building.. He thinks he does not have a say in what should be done.

Kriz said the County buildings are owned by the taxpayers of Johnson County. It would seem the Board should have the ultimate say as the overseer of those buildings. It is highly arrogant and offensive that another elected official would demand the building be opened and then put a sign on the door stating a certain office is open to serve the public while the rest are closed due to the weather. He said he thinks this sends a horrendous message. The first call Kriz had when they reopened was from an angry person that said they were at the Administration Building on February 2, 2011, and some County offices were open, but the Treasurer's Office chose to take a day off.

Sullivan said he heard it was confusing with radio stations and television stations announcing closures. Ideally, they want those sources to get a clear and concise message and they were not getting that. Harney said the stations had originally received the

message that the Administration Building was closed but there were emails and news releases that went out later that changed what the original message had stated. Rettig said there were three separate press releases that went out in the afternoon changing the original release done by Johnson. Kriz said that sends mixed messages to the employees. He said he had employees at home who said their boss told them the building was closed and not to come to work but wondered if they had missed a call telling them about a change or if they were to come in at noon.

Stutsman said these situations make it seem like the County does not have their act together. Kriz agreed and said as an elected official there is no way that if the Board of Supervisors, who is in charge of the taxpayers' buildings, declares the buildings closed that he should go against that decision. The buildings should be locked down. Stutsman asked if the Iowa Code says the Supervisors have the final say.

Rettig said she and Johnson were in the training last week for newly elected officials and it said the Board of Supervisors control the buildings and the individual elected officials control their offices. If the Board closes the building then it is closed. Stutsman agreed. Rettig said the elected official can order their staff to meet at Java House and work but the Board closed the building. Stutsman said the County employees can still work in their office but the building is not open to the public. Rettig said no, the Board has the capacity to actually close the building. For example, there would be a time when that would true with a situation involving, a gas leak, or chemical spill. Sullivan said or with the flood. Rettig said the Board can state that if someone comes on the property they are trespassing and can be removed.

Neuzil said an individual office has the right to close when they think is it necessary to close. Rettig agreed. Neuzil said the building could remain open but if elected officials decide the weather is getting bad they can send employees home. Rettig agreed. Neuzil said the Board did not close the building on February 1, 2011. Kriz agreed and said the Treasurer's Office let its employees leave as early as 1:00 p.m. because he has staff who live in Washington, Wellman, and all over. They were given the opportunity to leave, the building was not closed, but they knew they had a long distance to travel and it was white out conditions. He said the employees were more than happy to take some vacation time to get home and be safe. Sullivan agreed and said those employees are using vacation, compensatory, or sick time in that situation. Kriz agreed and said they were given the opportunity to leave. Sullivan said when the Board demands the building is to be closed they are taking the options out of the hands of the employees and that is the difference.

Neuzil asked to go back to compensation and who would be potentially eligible for the day that was closed. He asked who they are talking about. Shramek said they are talking about everyone who was scheduled to work. Neuzil said he is talking about the additional pay. Stutsman said she thought they were saying emergency personnel would be eligible for another day off. Neuzil said that is what he wants to know. At Secondary Roads they have calculated they may not have as many people working today because they worked another day. Neuzil said he wants to be careful because the department

already had the balance and that expectation. He said he is wondering if there were individuals who showed up to work and allowed to stay. The only potentially possible group he can consider is the Physical Plant employees. His guess is they are going to take time off this week or next week to equal out at 40 hours.

Harney said two of those individuals rented a hotel room the night before the snowstorm because they knew it was going to be bad. They were able to make their way to the County offices to work. Rettig said she hopes the County is paying that bill. Neuzil said he does not want to get into the business of handing out extra time. Sullivan and Stutsman agreed. Stutsman said somebody either gets paid or they get another compensatory day but they do not get both. Rettig said if the employee was not scheduled to work they do not get either.

Harney said if an employee was required to work they get an extra compensatory day, and if an employee came in on their own that was their day of work. Stutsman and Sullivan agreed. Neuzil said he is confused on the first part. He said emergency crews and the like who were scheduled to work and knew they had to be at work because that is part of their job will not be receiving more pay. Rettig said no they will receive eight hours some other time. Harney said compensatory time. Stutsman said the County was closed but the emergency employees did not have a choice and they had to work. Sullivan said Ambulance would never close since they operate 24 hours per day 365 days per year. Neuzil agreed. Sullivan said since they were open and operating nothing changed for that department. Neuzil agreed.

Neuzil said Physical Plant is the only group that should be considered to receive a compensatory day. Stutsman said SEATS could be considered as well. Shramek said it really includes the Administrative Unit. Harney asked about MH/DS. Neuzil said SEATS is the same as Ambulance because those departments cannot close. Brase agreed and said SEATS has to be operating when the fixed route is open. He said the route was opened around noon on February 2, 2011.

Brase said an employee came to work that day and left because he wants to work on February 5, 2011. The employee wants to get the pay and not have to take vacation. Brase said there are various scenarios and he is curious how it will be handled. Rettig said the problem is the Board did not have a policy. She said she thinks the Board has to side on being liberal with this situation. Brase said he started working on a policy for SEATS because there are going to be many different elements to consider.

Rettig said if an employee was scheduled and available to work and the Board told the employee they cannot come in, the employee should not take any leave. If the employee was scheduled and available to work and were required to come in if at all possible then they should receive like compensation of time off, not money, but a personal day some other time. Stutsman said the compensation should be hour for hour and up to eight total hours. Rettig agreed and said that is what she thinks is fair. Neuzil said they are talking about every Sheriff's Deputy, every Ambulance employee, every Secondary Roads employee, and he does not want to get into that. Stutsman asked if

Neuzil is suggesting those workers should not be compensated even though everyone else had the time off. Rettig said everyone got a day off and those employees did not. Neuzil said yes. Rettig said she does not think that is fair. Stutsman said she does not think it is fair either. Neuzil said he does not know how else the Board can sort this situation out. A lot of these departments already have this situation figured in. Rettig said they have a schedule.

Stutsman said the difference is the County was closed. Secondary Roads has it scheduled in every time the County has a snow issue but the County offices are not normally closed. When the Board says the County offices are closed that affects all County employees. Stutsman said it is a bonus for the employees that work in the Administration Building and penalizing the employees that are emergency staff who do not have a choice. Rettig agreed told Neuzil the difference is if an employee was not scheduled to work then that employee does not get anything. Neuzil told Rettig that he understands. Rettig said the incentive would be to volunteer to work the day that looks like bad weather. If an employee was not scheduled they were not affected at all. The employee did not come to work and did not get paid. If an employee was scheduled and the Board instructed them to not come to work they should get hour for hour compensation for another time.

Neuzil said there was a level of expectation for the employees and some have been through this hundreds of other times, like employees in Secondary Roads. Stutsman said the County was closed and that is the major difference. Rettig said those employees get a bonus, a pat on the back to thank them for keeping the roads open and assisting in emergency situations. The employees receive eight hours of compensatory time some other day because they had to work. Stutsman added that everyone else got a paid day off.

Neuzil said he understands what is being said. He asked if those employees will also receive time off due to their department's schedule to compensate for the fact that they worked extra hours. He said he thinks some of the departments do that. Sullivan said he knows what Neuzil is saying. Neuzil said Physical Plant is an example. They may have said that an employee worked a certain amount of hours this week and can take off early some afternoon. Sullivan said the Board needs to make sure there is not a double dip occurring. Neuzil agreed and said that is what he is trying to get at. Rettig agreed and said she thinks that is why the Board has to be liberal in this situation and have firm expectations for a future situation. Neuzil asked if HR can figure out a way to avoid the potential for a double dip.

Kriz asked for clarification on what the Board means by having employees required to come in to work. Rettig gave an example that during the floods the County needed payroll employees to work in order to get payroll processed. Fifteen employees were not required to work and two were. She said the whole office was closed but two people became essential personnel who on another week would not have been essential because payroll would not have been processed. There are times when employees are considered essential personnel and they may not be considered essential on another day. Rettig said

that is not the same thing as Kriz deciding the Treasurer's Office is open and requiring employees to report to work.

Kriz said that is what he wants to make clear that they do not cross that line. During the floods the County opened offices in a courtroom at the Courthouse and was able to perform essential functions with two or three employees. Rettig asked if the two or three employees were required to work. Kriz said yes. Stutsman said the important thing is the building was closed. Kriz agreed and said he wanted to make it clear that a department head cannot require their employees to come in and work and then have them receive another day to compensate for working that day. Kriz said he can see that happening.

Neuzil said they need HR to identify who the essential employees were that day and to make sure those employees understand they are eligible for an additional day of vacation, hour for hour up to eight hours, but they are not allowed to double dip if they have been compensated in a different way already. Rettig said it is possible that half of those people are not working this afternoon and that would count toward the compensation. Neuzil said the Board is talking about the list of departments they just saw in the proposed policy. Rettig said the list is in the draft policy.

Harney asked if the employees who came in, even if the department head or elected official told them they had to work, do not receive any compensation. Sullivan said they do not receive compensation. Stutsman said the building was closed. Neuzil said they can talk to the Board but they are not going to receive extra pay, same with the Auditor's Office and Conservation. Rettig said she only knows of those departments because of the three afternoon press releases that were not sent out by Johnson. Stutsman asked why Conservation was open. Rettig said the press release stated that the County Attorney's Office, Conservation, Auditor's Office, and Planning and Zoning were open. Harney asked if the Board has given some direction.

Public Health Director Doug Beardsley said staff is still waiting to turn in time sheets and asked what they should record for February 2, 2011. He asked if they need to use a vacation day. Stutsman said no. Beardsley said OK. Rettig said unless they were unavailable. Beardsley agreed and said if they were on vacation or sick leave. Rettig said Beardsley's job is to find out if an employee was available. Beardsley clarified an employee regularly scheduled and available to work would credit the day as if they had been there. Rettig said that is what she thinks. Beardsley said OK.

Shramek asked what to do about employees that were sent home on February 1, 2011. Beardsley said they were allowed to go home and they will need to take their vacation time for that. Stutsman agreed. Beardsley said it would be around a half hour. Harney said that is what the Sheriff's Office chose to do. Rettig said in retrospect the County may have wanted to close an hour or two early but they did not. If an employee left early they were on their own. Harney said the Sheriff's Office took time off to go home early the day before the County offices were closed. Shramek said there is a policy in the employee handbook that addresses that issue.

## **CONSIDERATION AND DIRECTION FOR POLICY FOR FUTURE WEATHER EVENTS AND EMERGENCIES**

Rettig said the draft started with the Safety Committee then moved to HR and HR offered some ideas. She said she is not sure if they are done with this policy. There would be other personnel that could be deemed essential. The Board of Supervisors would make the decision to direct essential personnel to meet at an alternate location in order to offer services. She said that needs to be clarified. The list is inclusive but at another time there could be other employees the Board would consider essential to continue offering County services.

Rettig said she is confused about the item addressing inclement weather. She said this document says "inclement weather is defined as" and the previous document said "examples include" and HR removed those examples. She said there is a time where inclement weather may not be snow, ice covered roadways, or road closures due to flooding. She said she does not know when that will happen, but there will be a time. Stutsman said a tornado or straight-line winds. Rettig said the Board may determine that a tornado or straight-line winds are coming and employees need to go home immediately. She said it is too restrictive and they should have a bigger opening for what constitutes as inclement weather. Shramek agreed and said the draft has the word "and" and should say "or." Harney said if a tornado or straight-line winds are coming they are not going to send employees anywhere. Rettig said if they have two hours of lead time they would want to send employees home who could make it there in time.

Neuzil said he thinks a decision such as building closures should be made with three members of the Board of Supervisors in agreement. Stutsman said she supports that. Neuzil said they all have cell phones and are all compensated. Harney said he left his cell phone on the desk that night and had no contact information. Rettig said Johnson got a hold of all of the Board members except for Stutsman. Johnson said he left Stutsman a message.

Sullivan said he disagrees with needing a majority decision. Sometimes a decision needs to be made and it is not possible to get ahold of three people. He asked if the Board is going to wait to make a decision because only two Board members responded. Rettig said it could be a decision made by the Chairperson that can be overridden by three Board members. She asked if there is a hard-nosed Chairperson who says the County will never close and the other four members disagree. Rettig said she agrees with Sullivan and someone needs to make the call as quickly as possible. She said she told Johnson to make the call about the closure. Sullivan said right now there is nobody in charge and the policy needs to put somebody in charge. He suggested the County Sheriff should be in charge so it is taken out of the Board's hands and the responsibility is given to public safety. He said he would rather it be one person who makes the call.

Neuzil said he is rethinking this option. He said Rettig suggested there would still be one person in charge but three other members could override their decision. The Board

has never wanted the Chairperson to have any more power than anybody else. Rettig said it puts the Chairperson in a really bad position. In this case, Harney had the decision, if he was unavailable Sullivan had the decision, but the other three Board members could have overridden the decision. Stutsman said she would like to stress that closing a County building is a big deal. It is not taken lightly and it requires more than one person making that decision.

Harney said he has no problems having this decision being made by consultation with other Supervisors or an agreement of multiple Supervisors. Sullivan asked what will happen if they are unable to have input from multiple Supervisors. Harney said that is always a possibility. Sullivan asked how long they will wait. Neuzil said that is a good question. Sullivan said for example, it is 5:00 a.m. and Johnson has communicated with Sullivan and Harney but has not communicated with the other three Supervisors and Sullivan and Harney say to close but the other three are not contacted until 8:00 a.m. He said there has to be one person to make the call. Rettig said it is not that the person will make the decision to close and everyone else will disagree, instead it will be they make the decision not to close. Having the option for other Board members to override that decision would be beneficial. Neuzil said that would give this balance. He said it is like the Chairperson being able to include something on the agenda but with agreement three Supervisors could also remove the item.

Sullivan asked what would happen if the decision is two versus two and the fifth Board member weighs in at noon. Rettig said the Chairperson would make the decision. If the Chairperson's decision is to not close then three other Board members could say they are closing. Sullivan said the Chairperson makes the decision at 5:00 a.m. to remain open then at 9:00 a.m. three Supervisors decide to do differently and employees are already on their way to work. He said they have to have one person making the decision. Neuzil said that is not possible in this government. Sullivan said they did it during the flood; they took a vote giving the Chairperson the power to close roads, close buildings, and force evacuations.

Stutsman asked if they could elect the Chairperson to make the decision in consultation with the County Sheriff. Harney said he thinks that is already in the proposed policy but it needs to be one person. Rettig said what if there is a Chairperson who is the hard-nosed person who says they are never going to close then the other Board members are going to be able to decide otherwise. The bad decision could be punished later but safety is risked in the meantime.

Sullivan said they are going to have paralysis by analysis if they do not empower one person to make the decision. He said they did this with important items during the flood. The Board told around 1,000 people they had to leave their homes and they did not get a choice. One person made that decision. Stutsman said that decision was made after consulting all of the Board members to give that authority. Neuzil added it was by resolution. Sullivan said it was by resolution to give the power. The individual decisions were still made on an individual basis. Stutsman said all Board members knew. Sullivan agreed and said he thinks all of the Board members know they are talking about this item.

Rettig said hypothetically she is on vacation and she is the Chairperson. Johnson contacts her and says there is a blizzard but she is unable to access internet and determines to keep offices open. She said the other Board members may question the decision and asked if the other members would want the right to override her choice and determine she does not know the conditions they are dealing with. Sullivan said if the Chairperson is gone then they would contact the Vice-Chairperson. Rettig asked what the definition of gone is. Sullivan said they can have this discussion forever and there is probably no point in doing this.

Harney said they can put in the policy that the Chairperson makes the decision after consultation with the other Board members when possible. Sullivan said he thinks that is a given. Stutsman said that is not a given the way the proposed policy is written. Sullivan said he does not know why the Board is reluctant to have the Chairperson make the call. It has happened twice in six years and has probably only happened twice in sixty years. Neuzil said if the wording "when possible" is used it sounds like an effort is being made to contact the other members. Stutsman and Sullivan agreed. Sullivan said they need to have a single decision maker otherwise they will always be in a murky area. Neuzil said he is cautious of the Chairperson having more power than the other members because they do not want that. Stutsman said she agrees. Sullivan said it is very minimal.

Stutsman said the City Manager makes this decision for the city. He is a nonpolitical being and he is not elected. The Supervisors are elected officials and it is a whole different situation. There may be a situation where a Board member wants to be everyone's best friend and decides to call a day off. She said she would support having the Chairperson make the decision in consultation with the other Board members. Neuzil said when possible. Stutsman added in consultation when possible and every effort should be made to do so. Rettig said if the Chairperson would have elected to keep County offices open on February 2, 2011, they should be defeated in office because that would have been a big mistake. Sullivan said they can do that and maybe people should do that.

Stutsman said she would not want sole responsibility for that decision. She said Harney did it great but she would want to consult with others. Rettig said they called other elected officials. By the time Johnson had contacted Rettig he had spoken with others. Rettig said she called Painter and asked for her assistance to contact others. She said she talked to Neuzil and Sullivan. In reality, most people were consulted on what they thought. Stutsman said if they went by the way the policy is currently written they would not have to consult with others. She asked for that to be clarified in the policy. Harney asked Johnson if he had that noted. Johnson said yes that can be added.

Johnson said their experience this week indicated they need to define the meaning of closing the buildings. Rettig agreed and said they need careful wording about that. She said the buildings could be closed to all people or the buildings could be closed to the public. Johnson said they need to recognize they cannot necessarily do that or they need

to determine if they are able to do that in the Health and Human Services (HHS) building. Rettig said that is worth figuring out. There could be a chemical spill or some event that requires the building to be closed.

Social Services Coordinator Amy Correia said she and Johnson talked about their relationship and responsibility with State offices, Juvenile Court Services, and IDHS when he contacted her about the closure. She said she will investigate that and get the information to Johnson. Sullivan suggested Correia communicate with Lyness because they have been dealing with that in the courts with the State for years. Correia agreed and said they need to look at that. There is probably a way to say it is not open to the public but they cannot impede the State from doing their work. She said she is not sure how they handle that situation. Rettig said there would have to be a time when the Board could say the HHS building is not open at all. Stutsman said she does not think they can supersede the State. Correia said there may be a distinction where the building cannot be open but they have to accommodate the State's ability to do their work. They may have to make an offsite arrangement possible. She said there is more they need to investigate in order to find out their responsibility within Iowa Code.

Rettig said there literally could be a time where it is unsafe for anyone to be on the grounds or in the building. The Board should have the right to make that call and if they do not have that ability they need to make that clear in whatever agreement they have. For example, if there is a chemical spill and it is unsafe for anyone to be in the building people would have to leave under the Board's order. Correia said she understands that piece but if the County has the responsibility to house IDHS and the building is closed for whatever reason then the County may be responsible to make accommodations for work do be done at an offsite location. They need to determine if that is the case and need to plan for that. She said she needs to talk to Lyness and look at the Iowa Code. Harney said he does not have a problem if, for example, Correia, Painter, or Kriz, have work to take care of and enter the building as long as the doors are not open to the public. Correia said she is not talking about herself or her department but she is referencing IDHS and State work. Harney said he understands.

Rettig said there is a difference between no one being allowed in the building and the building being closed to the public. The building being closed to the public means that Kriz could have come in do to work but he is not allowed to unlock the front door. Sullivan said it is like a Sunday, because there are employees in the building all the time on a Sunday. Correia agreed but said the work of IDHS is providing a service to the public through them being able to meet with public assistance and the County would be impeding the State's ability to do their work. She said the County needs to clarify their responsibility under Iowa Code to house these State offices. Stutsman agreed. Harney said as Rettig said there may be instances where they have to close the buildings, like for a gas leak, and ban anyone from being in the building. Stutsman said in that situation the fire marshal would override the Board.

Rettig said they know what they are going to do in this current situation and have pretty good direction of what they are going to do permanently. They just have a couple of items to clarify.

Sullivan said he has an issue with the policy where it states the two radio stations that will be notified to announce the status. They had a Communications Committee meeting on the morning of February 4, 2011 and they talked about creating a list of media sources. Stutsman said they can use Twitter. Sullivan agreed and said they have more sources available to them. He said Human Resources Coordinator Vanessa Wierman suggested an email group be created for media sources and when a press release is going to be sent it goes to all of the media sources on the list. He said he does not want to list just those two outlets because he thinks they should send it to everyone on the contact list. Rettig agreed. She said television was probably more appropriate than the radio. Harney he could not access the television stations because his cable went out on February 1, 2011, and did not come on until February 3, 2011. Stutsman said the Board will develop a media email list, will use Twitter, and use other sources to get the word out. Johnson said they can state in the policy that they will use all available sites.

Johnson said he has a question for Information Technology Director Jean Schultz if it is possible for someone to remotely change the website or add a notification to the County website. Rettig said she needs to talk to Schultz because she has not been able to access her County email from home because she receives an error message. She asked if they could have sent a countywide email about the closure because so many people receive emails to their phone. Neuzil said Johnson has the ability to do that. Johnson said he did it on February 2, 2011, for about the third time but could not tell if he was able to forward the email countywide.

Schultz said if they access email by logging on the way most employees do then they do not have access to the distribution list. She said if they log on to the network and get into the email that way then they would be able to access the distribution list. Rettig asked if they know how to do this or if they need special permission to do that. Schultz said they have to have things set up on the computer but there are several employees who log into the network remotely. She said she can tell the Board how to do that. Harney asked if they can get in to read emails but cannot send anything. Schultz said they would log into the network like they do at the start of the work day and they would then have the normal capabilities. There are two ways to access emails, they can access just the email or they can log into the system and have access to the drives. Harney said he did not know that. Rettig said she tries to do that and gets an error. Sullivan said he is like Harney.

Schultz said when they go into Microsoft Exchange Server that is just email access. She said they can log in and access the drive remotely. Neuzil said he has sent all of his press releases for the Listening Posts through the County email from home. Rettig said if the Board knew how to do this and if the Board, Johnson, and HR had authority to send an email Countywide would someone have been able to send an email Countywide on February 2, 2011. Schultz said yes but the correspondence would have gone to County

email addresses. Rettig agreed and said employees are often logging in remotely or getting those emails sent to their phones. Sullivan said they cannot rely on that alone. Rettig agreed and said all of the press releases would still need to be done too. Johnson said it would be helpful to post something on the website too.

Stutsman asked about the system the school districts use to call people with notifications. Sullivan said the County has that ability, they have CodeRED. The County purchased that system for Emergency Management two weeks before the flood and used the system then. Stutsman said she likes that option and thinks they could use that system too. Sullivan said they could talk to Emergency Management Coordinator Dave Wilson to learn more but there is an expense every time the system is used. Rettig said there are a lot of options with that system, such as text messages. Neuzil said they get a certain amount for free each month and they have never gotten close to that amount. Stutsman said she likes that option better than using County email because, like Schultz said, the message would just go to somebody's County email and there is another step to access that. Sullivan said he is now on Wilson's commission and asked the Board if they would like him to talk to Wilson about options. Rettig said they could find out their other options.

Schultz said Public Health uses a system called PhoneTree. She said she would have to look into the system but it calls clients with an appointment reminder. She said they could do something like this but it would take a long time to call 500 phone numbers. They would also have to look into what they would have to do to set up the system, keep the information current, and if they could easily initiate it remotely. Stutsman said they could consider calling department heads or elected officials and have them responsible for contacting their employees. It would be difficult for a department with a lot of employees. Schultz said that is what Johnson did when he contacted department heads. Johnson agreed but said it is better to send the same message to everybody.

Sullivan said if they could use CodeRED it would be well worth it. Rettig said all of these ideas are good and Sullivan's point is they do not need to specifically state in the policy what they are going to do. They will send a press release to the media list. She said they would not have to have all of the communications details figured out now. Harney said it is a good policy to contact department heads and elected officials in addition to the other media options.

Rettig said they have made some changes and they do not want to come back to this topic in six months. She asked how soon the Board can adopt the changes they want, vote, and be done with the policy revisions. Johnson said there is a Department Head Meeting scheduled on February 15, 2011. Rettig asked if they have to vote on this policy. Sullivan said yes it is policy. Stutsman said yes and asked if it is part of the handbook. Rettig asked if they addressed this item in the meeting scheduled on February 15, 2011, if they could vote on the policy the next day. Stutsman and Neuzil said yes. Sullivan asked why this policy would not be part of the handbook; employees would need to know the policy for this situation. Stutsman said it does effect employees'

employment. Neuzil said they have to be cautious with the union items. Stutsman asked Shramek to let the Board know about including the policy in the handbook.

Rettig asked if this could all be finished during the week of February 14, 2011. Neuzil said that would be nice. Harney asked if they should include this item on the Department Head Meeting agenda or if it should be a part of a regular Board meeting. Neuzil said they will have a regular Board meeting. Johnson said he suggested having it as a part of a Department Head Meeting for input. Sullivan said they could go through the Department Head Meeting then put the item on an Informal Meeting agenda two days later. Neuzil said they could put it on a Formal Meeting agenda. Sullivan said he was thinking they could include the item on a Formal Meeting agenda a week later. Neuzil said this is more of an internal item. Rettig said if a storm occurs between now and then the Board knows what to do.

Kriz said they will get through winter but they will also get to storm season. The County still has a problem in the Administration Building when they have tornado sirens going off. People are moved into a safe area, windows are rolled down, but there are still offices that choose to stay open through that. He said the Board needs to address that issue. Likewise, for a fire drill there are times when some offices exit and others do not. This could be incorporated in this policy. Harney said they can use the wording “shall” to instruct people to go to the safe area. Kriz suggested “must” being used. Sullivan agreed. Stutsman said “shall” indicates no choice. Kriz said this would be the perfect time to clarify that issue. It is not a building closure but if they are moving their clients and customers into a safe area everyone should be included. Harney said employees will know they need to go and if someone instructs them otherwise they are liable. Stutsman asked if that can be incorporated in this policy too and said she agrees with Kriz. Sullivan said he is glad Kriz thought of that point.

Painter asked if the County has the siren situation refined. For example, a siren here does not indicate a tornado in Swisher. Harney said yes. Painter said she wanted to clarify.

Neuzil announced he will have to leave the meeting early at around 3:15 p.m.

Recessed at 2:47 p.m.; reconvened at 2:55 p.m.

**EVALUATION AND GOAL SETTING: POSSIBLE EXECUTIVE SESSION TO  
EVALUATE THE PROFESSIONAL COMPETENCY IF INDIVIDUALS WHOSE  
APPOINTMENT, HIRING, PERFORMANCE, OR DISCHARGE IS BEING  
CONSIDERED**

**Motion** by Stutsman, second by Rettig, to enter into Executive Session at 2:56 p.m. for an annual evaluation of **Social Services Coordinator Amy Corriea**, under section 21.5(1.i), *Code of Iowa*, “to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to

prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session." Roll call: aye: Harney, Neuzil, Stutsman, Sullivan, Rettig.

**Motion** by Sullivan, second by Stutsman, to leave Executive Session at 3:31 p.m. Roll call: aye: Harney, Stutsman, Sullivan, Rettig; absent: Neuzil.

Adjourned at 3:31 p.m.

Attest: Tom Slockett, Auditor  
Recorded by Nancy Tomkovicz