

TOWN OF CONCORD TOWN BOARD

December 10, 2020

Work Session 6:30 p.m.

Supervisor Drake discussed the following:

1. A draft of the updated Employee Manual was given to the members at the November meeting for their review and input. Supervisor Drake reviewed the changes that have been made:

- a) Page 7, under Unacceptable Activities. The question came up that if an employee is also a part-time police officer, would the employee be able to carry on Town property. After discussing this question with Town Attorney Attea, the following language has been included in the Employee Manual: "Unauthorized possession of dangerous or illegal firearms, weapons, or explosives on Town property. Unless you are in the active duty of serving as a Town Constable or Town of Concord Police Officer or unless otherwise authorized by the Town Board, which authorization may be denied at the Town Board's sole discretion, you are prohibited from possessing or carrying firearms or any illegal weapon onto Town Property during work hours or while you are on duty." Councilman Drozd asked Town Attorney Attea for further clarification. Town Attorney Attea advised that the Town wants to acknowledge and respect Constitutional rights but that never prevents an employer from the condition of not having a firearm in the workplace. He checked with a few other town attorneys and researched and wants to err on the side of making certain that the Town is respecting individual Constitutional rights. However, an employer can take the position that unless the person is actively serving in the position of Town Constable or a Town Police Officer which require personal and public safety reasons to carry firearms, they cannot carry on Town property. This creates the potential for safety concerns and liability. The language was fashioned that would allow room for an exception. This was drafted in a manner that would allow for a possible exception that someone could petition the Town Board and say that these are the circumstances and ask for an exception to be permitted. The Town Board would have the discretion to consider an application to be able to carry. Unless you fit those categories where a firearm is a condition of the employment (public safety/police officer/constable), it is prohibited on work grounds and while employed. There are laws which control firearms in personal vehicles. Town Attorney Attea noted that he is still waiting for a couple responses from other attorneys, but all the feedback so far is that as an employer the Town has this discretion. Councilman Snyder believes the language is good. Supervisor Drake feels it is good the way it is.
- b) Page 11, under Record of Absence or Lateness. Corrected the work day hours for the Concord Highway Department to show 6:00 am thru 2:30 pm with a thirty-minute lunch break. Those employees assigned to the night shift work from 2:30 p.m. until 10:30 p.m. with a thirty-minute paid lunch break. Summer hours are Monday through Thursday from 6:00 am to 4:30 pm again with a thirty-minute lunch. Supervisor Drake advised that it had never been in the Employee Manual that night shift got a paid lunch but Highway Superintendent Edwards said they do get a paid lunch.
- c) Page 12, under Sick Time. The old Employee Manual read that the employee receives 8 sick days per year, accumulating at 6 hour/month. That would be 9.0 days. The real problem is the Highway Department employees work an 8-hour day but the other full-time employees do not. The language in the Employee Manual will now show two different ways of accruing sick time: 5 hours and 20 minutes a month for those employees working a 40-hour week and 4 hours and 40 minutes a month for those employees working a 31-hour week.
- d) Page 54, last paragraph. Reworded for clarification.
- e) Supervisor Drake showed the members the Letter to the Editor letter in the Springville Journal from Mrs. Rolf thanking the Town Board for the memorial remembering her son Kevin.
- f) Supervisor Drake advised the Board that the time ran out on the Hulbert Library furnace. Tom Randall looked at the furnace and could not keep it to stay running. Yesterday Supervisor Drake approved \$5,000 for Tom Randall to go and buy a boiler. The estimate is \$6,470. Originally the Town thought this cost would be over \$10,000. The furnace was delivered today and hope to work on the installation tomorrow. The Hulbert Library Board met earlier today and voted to contribute 50% of the cost, up to \$5,000.