

June 21, 2004

On the above date New Scandia Town Board held a special meeting requested by Brian Jemelka Public Works Employee to appeal the disciplinary action taken by New Scandia Town Board against Mr. Jemelka on June 15, 2004. The following Town Board Members were present: Chairman Dennis Seefeldt, Vice Chairman Michael Hinz, Lisa Crum, Blair Joselyn and Nancy Madden.

Chairman Dennis called the meeting to order. Mr. David Hebert Township Attorney reviewed the following proceedings: On June 15, 2004 the Town Board held a closed meeting for preliminary consideration of discipline action for Mr. Jemelka. The Board then opened the closed meeting for consideration of charges and discipline. It was determined that discipline was warranted due to the following charges:

- (1) Wood from a fallen tree was taken from a property owner and converted to personal use without the consent of the owner. Employee acknowledged the wood was taken using Township equipment on Township time. Mr. Jemelka was directed to return the wood that was taken in full, but substituted some lesser quality wood.
- (2) Used Township equipment to pull a downed tree from private property, rather than cut end it in the road right-of-way.
- (3) Failed to keep work area in a neat, clean and orderly manner. Allowed hazardous condition to exist by not cleaning up spilled oil, shovels allowed to lie on floor so that they could be stepped on causing injury to persons. Hoses were allowed to lie about on the floor so that they could be stepped on causing injury to persons. Allowed sexually demeaning calendar and women's under garments to be displayed in work area. Displayed obscene gesture on Township vehicle.
- (4) Charge one (1) was supported by a complaint letter from Mr. Fred Heinonen property owner of the wood as well as a oral statement was made part of the record and will be incorporated in this hearing.
- (5) Charge three (3) was supported by inspections and pictures which will be incorporated in this hearing.
- (6) Mr. Jemelka has received prior discipline with oral and written reprimands.
- (7) Town Board determined that conduct warranted 3 day suspension without pay on June 23, 24, and 28th. Wood is required to be returned to landowner in "Charge One". Mr. Jemelka must write an apology to Mr. Heinonen the property owner. Mr. Jemelka is required to clean up the work area and prohibited to use Township equipment for personal use.
- (8) On page 3 of the Personnel Policy it states that an employee is allowed to request a hearing in the case of a suspension. Mr. Jemelka has requested a hearing, which has been scheduled for this time.

The record should reflect that the foregoing Statement of Proceedings, letter of complaint, oral statements of complainant and pictures of work place are made a part of the record of this hearing.

Michael Hinz made a motion to approve the review proceedings presented by David Hebert Township Attorney. Nancy Madden seconded the motion and motion adopted unanimously.

Mr. Jemelka stated he had spoken to Nick Young Washington County Public Works and the County leaves the wood within the roadway. If the wood is not removed the County brings it to the Public Works Building and the employees can take the wood if they desire. Mr. Jemelka also requested a written policy for tree removal. Mr. Jemelka also expressed that in twenty-nine (29) years he has never missed a call out to an emergency.

Mr. Jemelka voiced the following allegations against three (3) other Township Employees:

Dolores Peterson

- (1) Last winter Mr. Poidinger plowed Ms. Peterson's driveway.
- (2) Mr. Morrison and Mr. Poidinger helped put a weather vane on the Peterson garage.
- (3) Peterson's used the sprayer last summer.

John Morrison

- (1) Mr. Morrison purchased safety trousers at Scandia Four Seasons.
- (2) Ms. Morrison had Mr. Poidinger plow her driveway.
- (3) Mr. Morrison hauled wood home with Township tractor and took some green plywood when the Fire/Rescue and Public Works Building was being built.

Colleen Firkus

- (1) Ms. Firkus was complaining about dead branches hanging over Pilar Road and the Township had a large oak tree removed by Helke Tree Service. Mr. Jemelkas stated the oak tree was not on Township property.

Mr. Jemelka made reference to Duane Thompson and Kevin Nickelson Road Supervisor's who would meet with the employees regarding issues and now there is no communication with anyone. He stated if he is going to receive suspension then all the employees should be suspended without pay.

Mr. Seefeldt questioned Mr. Jemelka why he didn't contact Mr. Heinonen about removing the tree and he said he did not know who the tree belonged to. Ms. Heinonen stated that Mr. Heinonen asked Mr. Jemelka what he was doing, but Mr. Jemelka denied that Mr. Heinonen had spoken to him.

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Mr. Seefeldt acknowledged the allegations regarding other Township Employees and that they are not a part of this hearing and the Town Board will investigate these allegations.

The Board Members informed Mr. Jemelka that the Township vehicle is a reflection to the Township and reminded him that the work place shall be kept in a orderly manner at all times. A meeting shall be held on July 6, 2004 with all the Town Board and Public Works Employees at 7:00 a.m. at the Fire/Rescue and Public Works Building.

Nancy Madden made a motion not to change the decision of the three (3) day suspension without pay for Mr. Brian Jemelka. Michael Hinz seconded the motion with the addition that there have been continuous problems over the years and work reprimands. Motion adopted unanimously.

Nancy Madden made a motion to adjourn.

Dolores Peterson



New Scandia Township Clerk