

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSIONERS MEETING
JUNE 27, 2017
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The Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana held a regular meeting at 4:16 p.m. in the Conference Room of the Administration Building located at 5143 Columbia Avenue, Hammond, Indiana.

President Button called the meeting to order at 4:16 p.m. He stated that the Board held an Executive Session from 3:45 p.m. until 4:15 p.m. to discuss personnel and litigation matters in accordance with Indiana codes.

Commissioners Present: Button, Dimopoulos, Dye, Hawkins, Muta

Commissioners Absent: N/A

District Personnel: Marty Wielgos, District Manager
Joe Allegretti, Attorney
Donald Woodard, HSD
John Devine, HSD
Jeff Massey, HSD
Jack Smith, Sewer Department
Rebecca McKinley, GIS Department
Kaleigh Boyle, HSD
Alwin Dutro, HSD
Sam Grant, HSD
Joseph McCarthy, HSD

Others Present: Mike Hickey, AB&H Donohue
Jeff Withded, IUOE Local 399
Lloyd Osborne, IUOE Local 399

The meeting started with the Pledge of Allegiance.

President Button stated that the first order of business was the consideration of the June 13, 2017 Board Meeting Minutes.

Dye **moved** and Muta **seconded** to approve the June 13, 2017 Board Meeting Minutes.

Ayes: Button, Dimopoulos, Dye, Hawkins, Muta

Nays: None

Motion **carried** 5-0. A copy of the June 13, 2017 Board Meeting Minutes are attached to and made a part of the minutes.

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District Manager's Report

District Manager, Marty Wielgos, stated that the only thing he had to report is how Mr. Sutton is doing. He is glad to say that he is currently recouping at home. His operation went extremely well. He along with Don communicate with him through text messages about once or twice a week. They do not want to bother him, so they are not asking him questions or anything. They just want him to do his full recovery and do what he needs to do to get himself back healthy, so it seems like everything is going very well. That is all he has.

RESOLUTIONS

The Board considered Resolution No. 33-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Entering Into a Services Agreement with Crowe Horwath LLP and the Sanitary District of Hammond for Certain Professional Services.

Hawkins **moved** and Dimopoulos **seconded** to approve Resolution No. 33-2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Muta

Nays: None

Motion **carried** 5-0. A copy of Resolution 33-2017 is attached to and made a part of these minutes.

The Board considered the Claims Approval Docket 06-27-17.

Dye **moved** and Muta **seconded** to approve Claims Approval Docket 06-27-17.

Ayes: Button, Dimopoulos, Dye, Hawkins, Muta

Nays: None

Motion **carried** 5-0. A copy of Claims Approval Docket 06-27-17 is attached to and made a part of these minutes.

President Button called for Old Business

There was no old business.

President Button called for New Business

The Board considered Resolution No. 34-2017: RE: A Resolution Amending Resolution No. 6-2017 Being a Resolution Amending and Fixing the Schedule of Sewer Rates and Charges to be Collected by the Hammond Sanitary District from the Owners of Property Served by the Sewage Works of the District, as Amended.

President Button stated that this would also set a public hearing scheduled for July 11, 2017.

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Attorney Allegretti clarified that he is not asking for a motion to approve, but a motion to introduce and authorize the publication of the notice of the public hearing on the amended rates at the next regularly scheduled meeting on July 11, 2017 at 4:00 pm.

Muta **moved** and Dimopoulos **seconded** to introduce Resolution No. 34-2017 and authorize the publication of the notice of the public hearing on July 11, 2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Muta

Nays: None

Motion **carried** 5-0.

The Board considered Resolution No. 35-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Adopting a Change in the District's FMLA Policy Affecting All Employees of the District.

Dye **moved** and Muta **seconded** to approve Resolution No. 35-2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Muta

Nays: None

Motion **carried** 5-0. A copy of Resolution 35-2017 is attached to and made a part of these minutes.

President Button called for Reports from Commissioners

There were no reports from commissioners.

President Button called for Public Expression

Lloyd Osborne from IUOE 399 stated that he wanted to bring some grievances forward per their contract to the board if he may. He is not sure how to do this.

President Button answered that generally—public expression is an addressing to the board. There will not be any dialogue back and forth from the board. They would hear what he has to say and present to us and then they would refer that to either our Council, District Manager, what have you depending on what public action necessary.

Lloyd Osborne said that he was going to start with Mr. Sam Grant's termination from the District. He asked if he would be able to approach with some paperwork for the board. He would like to point out—the first thing they have in front of them is a page out of the contract. This page states the process in which the District would follow for termination under the attendance policy. The second paper is a notice of reprimand from Don Woodard to Sam Grant stating that he has a sixth occurrence resulting in a one-day suspension which falls in line with what is in the contract here. Under that, you find another discipline stating that it is going to be the seventh occurrence which is a three-day suspension for Sam Grant. This grievance that we are talking about today is Don or one of the supervisors called Sam Grant at home and says we are giving

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you a four-day suspension. The contract clearly states the protocol and the process that you will see outlined in here of what should be followed to be able to discipline. The reason it was negotiated and laid out in the contract is so that each step of the discipline process is followed. You would bring the person in and have a consultation and talk about what further action is going to be taken if this continues. Sam was not granted that opportunity. That is for the first grievance on the four-day suspension. Now, if you go back and do the same thing over again you will see that the same process was followed by the District. No meeting with the member, no meeting with the union. They brought Sam Grant in on the 15th of June and gave him all of the discipline at one time and did not follow any process that was laid out in the contract and said your employment has been terminated. All the notes were signed on the exact same date and given to him at the exact same time. Clearly the contract spells it out so therefore you would follow a process to let the member know where he/she stands on the discipline process. None of that was followed. If he would have had that opportunity, he could have been able to curb his behavior or could have changed his thought pattern, but what they believe they have here is— they do have a signed contract with the District and they expect them to follow their signed contract. Just like he expects the members to follow exactly what is in there. So all he can ask the District to do is follow the process that has been laid out. Trying to contact Don and Marty and all they are sending back to him is it was not their decision, it was the board's decision, and so you have to come in front of the board. So he is before the board stating that the process based on our collective bargaining agreement was not followed neither for the four-day suspension nor for the termination. He hopes they recognize all of the papers that he handed them were signed on the exact same day, so one meeting and all the discipline was given at one time.

President Button asked who the papers were signed by.

Lloyd Osborne replied that they look like they were signed by Don Woodard. Each one of the disciplines that he has in front of them and if you see the highlighted areas that he pointed out for them they will notice that every one of them have the exact same date on them. There was never a chance with Sam to be able to curb his behavior or understand where he was at on the attendance policy. He has, he does believe that the District has done the same thing with other employees; not terminating them, but actually meeting with them at each step, but unfortunately he just received the paperwork that he requested. Mr. Allegratti just gave him it so he has not had a chance to look at it. He asks the board if they will please take a look at the discipline and then a take a look at the four-day suspension and then take a look at the termination and ask was the contract followed. It clearly states when you see the outline right here it states that the employee may request the presence of a union representative at any time at each step of the process. It is clearly stating that there is a step of the process and those never took place. He asks the board to please reconsider the termination of Sam Grant.

Lloyd said he will move on to another grievance that they have.

President Button asked if this is the grievance as it relates to that action.

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Lloyd responded that grievance that relates to the termination. They have not gotten a response back regarding the four-day suspension. They got one response back and that response said that it was a board action to terminate Sam Grant. He questioned if the board will be giving them a decision back after they have their time to go through their process, will they get a written response back from the board with your decision.

President Button responded that he believes they will receive a written response from them, so yes.

The next grievance he is going to discuss has to deal with past practices. The mechanics have conditionally and historically always done the snow plowing and doing the snow plowing out here until this year or he believes last year the District decided to use a contractor to do that work. There are two things in the contract- one thing it says historically and conditionally this is their work and they are supposed to take care of it. The second part in the contract states that if there is any changes to policies and procedures that are going to be affecting the collective bargaining, the management will notify the union and sit down and have a discussion and none of that took place. They filed several grievances on that issue trying to get a result and he will tell you that he sent email after email, a couple phone calls to Mr. Marty and to Don asking for meetings to resolve this and the answer was no or there was no response whatsoever. He does not know how to continue to have a relationship with the District that refuses to meet with them. Even though there is a binding contract, all they want is to be brought in, talked to because maybe there was an explanation why it was done, but we do not know with no communication. The other part is last time he asked Don for a meeting regarding Sam Grant, he did not respond at all. He is requesting that the board- if he had a contract to the Sanitary District and he was a vendor he would expect and you would expect both sides to follow through with what was agreed to and that is all they are asking. It says the process and protocol and all they are asking is that it is followed. He thanked the board for allowing him to speak and he is looking forward to their response.

President Button asked if there was any recommended action from the board that they would like to take at this time.

There was no action.

President Button explained that the board will take the information, review it and get them a response.

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President Button called for a motion to adjourn the meeting

Dimopoulos **moved** and Dye **seconded** for adjournment.

Ayes: Button, Dimopoulos, Dye, Hawkins, Muta

Nays: None

Motion **carried** 5-0. The meeting was adjourned at 4:31 p.m.



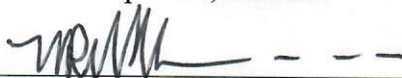
Dean Button, PE, President



Matthew J. Muta, Vice President



Sam Dimopoulos, Member



Michael Hawkins, Sr., Member



Michael Dye, Member

ATTEST:



Rachel Montes, Secretary

Kaleigh Boyle, Assistant Secretary

Board Minutes Prepared By: Kaleigh Boyle