

AGENDA FOR A PERSONNEL COMMITTEE MEETING
FOR TUESDAY, JANUARY 19, 2021, 5:45 PM
EXECUTIVE CONFERENCE ROOM, SECOND
FLOOR, MUNICIPAL BUILDING

(Councilmen Mercer, Reynolds, Rexroad, and Richards)

- I. CALL TO ORDER – Councilwoman Sharon Kuhl, Chairman
- II. ROLL CALL
- III. MINUTES – meeting held November 10, 2020.
- IV. NEW BUSINESS
 1. An ordinance amending and re-enacting the Personnel Policy and Procedure Manual concerning Equal Employment Opportunity; Equal Pay Policy; and Harassment, Unwelcomed Conduct and Non-Retaliation Policy; and a new policy for Code of Conduct.
 2. An ordinance creating intern positions within the Parkersburg Police Department.
- V. ADJOURNMENT

The Personnel Committee of City Council met Tuesday, November 10, 2020 at 6:00 PM in the Executive Conference Room on the second floor of the Municipal Building at One Government Square, Parkersburg WV 26101.

The meeting was called to order by Chairman Sharon Kuhl who presided over the meeting. Other members attending included Eric Barber, Zach Stanley, Jeff Fox, Bob Mercer, and Sharon Kuhl.

Others attending included Mayor Tom Joyce, Sondi Wallace, Chief Martin, Chief Matthews, Everett Shears and JR Carpenter.

MINUTES – with no amendments or additions, the minutes from the meeting held January 14, 2020 were approved by unanimous vote.

PERSONNEL POLICY AND PROCEDURES MANUAL – Personnel Director, Sondi Wallace proposed changes to our manual concerning FMLA, Military Leave, PERS, Sick Leave and Motor Vehicle Records review.

She explained each change they are asking for, many items just being updates because of higher regulations. Amendments were highlighted for easy explanations. Concerning the motor vehicle records review, Mayor Joyce said our proposal is good practice when we have rate negotiations.

MOTION – Mr. Fox moved, seconded by Mr. Stanley, to refer the amendments on to City Council for consideration later this evening, and the motion was adopted by unanimous vote.

FIRE DEPARTMENT RULES AND REGULATIONS – Fire Chief, Jason Matthews, proposed several amendments to their rules which have not been reviewed for several years. Many of the changes have been used over the years by general orders. Chief Matthews explained each amendment and compared them to the current rules for his department, most of them were for clarity while keeping an eye on their budget. Some of the policies were in the City policies, but were not in their rules and regulations for the Fire Department.

To further follow City employee policies, he addressed requesting two week notice for absences so they can make changes to their schedules.

Concerning their sick leave, their current rules were based on 48 hour weeks, and that has been changed to 54 hour work weeks. The men are to make doctor appointments when they are off their shift. Concerning military time, they will use WV Code, he said. They are also asking for Christmas Eve as a holiday to match what the City employees receive. Overtime on a holiday is double time, he said.

He added more details concerning shift-trading, and it costs nothing to the City. Another section for travel expense or events, they will use GSA rates.

On the social media portion of their rules, it revolves around taking pictures at calls, and he can't allow that, he said, and also includes being respectful to City computers and I pads.

Chief Matthews' explanation was twenty minutes with all questions answered.

MOTION – Mr. Fox moved, seconded by Mr. Mercer, to refer the amended rules and regulations to City Council for consideration this evening, and the motion was adopted by unanimous vote.

HOMELESS OUTREACH COORDINATOR – Police Chief, Joe Martin, told the committee that he and Mayor Joyce have discussed this position over the years. This position is two-fold, mainly to help businesses, but it will not tie the person to downtown, he said.

The department call volume has increases since 2016 by 1,100% for shoplifting, and 554% for trespassing, and it does not count loitering. With the cost of jail bills, we don't want to add low level people there. He said they deal with the same kind of people over and over.

The solution for a police officer is to put someone in jail, but with the homeless and mentally ill people, you can't. It will take time to get us where we want to be, but the Chief thinks it is for the betterment of downtown and the men. After an arrest is made, this new employee will coordinate with local Continuum of Care facilities. A lot of people we arrest have addiction problems and we may be able to help them, and that is the strategy for this position.

We could look at this again in a year or two and see if it has been successful, Chief Martin said. We cannot prevent the homeless from coming here – it is well known that Parkersburg is a homeless community. In working with these other agencies, we do have funds to set aside for travel.

Mayor Tom Joyce said that the behaviors with the homeless is the problem. We funded a program to help with relocation. This position would be similar to the juvenile specialist we had at one time in the Police Department. Arresting homeless persons has no impact, he said. This proposed employee would liaison and assist people get the help they need.

The Police Department caught a person three times breaking into parking meters, Mayor Joyce said. A better solution is he would have gotten help the first time – arresting them is not effective.

Mr. Carpenter asked if this person would work in or out of an office and what authority they would have. They will work both in and out of the office, Chief Martin said, but will have some authority as an officer, not have arrest powers.

If we can get these people into treatment, then they are eligible to get housing, Mayor Joyce stated. The people at Westbrook are out with the homeless on a regular basis, and they do a good job.

Mr. Stanley has how many homeless we have, and the Chief said 70 plus at last count, in January or February 2020. Mayor Joyce added that it is not just the people camping in the woods, there are homeless people couch-surfing. This time of year will be a good time to start this program because of the weather, and we could establish a relationship with these groups.

When Mr. Stanley asked why we don't rely on the other entities to handle this, Mayor Joyce said they won't go to court on behalf of the City with regard to criminal complaints. What we are doing is not working, he said. We get the most complaints from downtown and they want it fixed.

The employee will begin at \$14.61 per hour, compared to a police officer who starts at \$20.40 per hour. With our pay plan, we are able to offer a different rate above entry level, Ms. Wallace stated.

They will have a flexible shift and will be subject to call out and overtime. Ms. Kuhl asked if they would be involved in domestic violence calls and Chief said they should not be.


Overtime should not be a problem, Mr. Carpenter stated, because we know where they are.

Mr. Fox asked about shoplifting and petty theft, and Chief Martin said he picked these two because they are a problem on a daily basis.

MOTION – Mr. Stanley moved, seconded by Mr. Mercer, to refer the ordinance to City Council for consideration this evening, and the motion was adopted by unanimous vote.

The meeting adjourned at 7:10 PM.

Respectfully submitted,


Connie Shaffer, City Clerk

AN ORDINANCE AMENDING AND RE-ENACTING
THE CITY OF PARKERSBURG
PERSONNEL POLICY AND PROCEDURE MANUAL

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that effective upon passage of this ordinance, Section IV, Policies & Procedures, Part A, B & J of the City of Parkersburg Personnel Policy and Procedure Manual be, and hereby is, amended and reenacted in its entirety as follows:

- A. Equal Employment Opportunity (EEO) (see attached)
 - B. Equal Pay Policy (now including in above EEO)
 - J. Harassment, Unwelcomed Conduct and Non-Retaliation Policy (see attached)
- Code of Conduct (new policy see attached)

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The City of Parkersburg

Equal Employment Opportunity (EEO)

The City of Parkersburg is committed to providing a workplace which is free from unlawful discrimination. We uphold the principles of equal employment opportunity and have established policies not to discriminate against any employee or applicant for employment on the basis of one's sex (including pregnancy, sexual orientation and gender identity as defined by and in accordance with local, state and federal laws and the United States Supreme Court Ruling of June 2020, Ref No. 17-1618), race, color, age, religion, creed, ethnicity, national origin, disability, veteran status, marital status, genetic information or other category protected by federal, state or local law.

This policy applies to all terms, conditions and privileges of employment, including recruitment, hiring, placement, compensation, promotion, discipline and termination. Whenever possible, the City of Parkersburg makes reasonable accommodations for qualified individuals with disabilities to the extent required by law. Employees who would like to request a reasonable accommodation should contact Human Resources.

The City of Parkersburg

Harassment, Unwelcomed Conduct and Non-Retaliation Policy

Scope: This Policy covers all employees of the City of Parkersburg

Policy Purpose: The City of Parkersburg prohibits discrimination or harassment in any form based on race, color, religion, creed, sex (including pregnancy, sexual orientation and gender identity as defined by and in accordance with local, state and federal laws and the United States Supreme Court Ruling of June 2020, Ref No. 17–1618), national origin, age, disability, marital status, veteran status or any other status protected by applicable law. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and is free from discriminatory practices, including, without limitation, harassment. Consistent with its workplace policy of Equal Employment Opportunity, the City of Parkersburg prohibits and will not tolerate harassment, unwelcomed conduct and discrimination in any form and violations of this policy will not be tolerated.

Discrimination includes, but is not limited to: making any employment decision or taking employment-related actions on the basis of the above-mentioned status' protected by applicable law. Harassment and unwelcomed conduct in all forms is unacceptable and therefore prohibited, regardless even if the behaviors are not unlawful in and of themselves.

Harassment is generally defined as unwelcome verbal or non-verbal conduct, based upon a person's protected characteristic, that denigrates or shows hostility or aversion toward the person because of the characteristic, and which affects the person's employment opportunities or benefits, has the purpose or effect of unreasonably interfering with the person's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive working environment. Harassing conduct includes but is not limited to: epithets; slurs or negative stereotyping; threatening, intimidating, bullying and/or other hostile acts; or denigrating jokes, vulgarity and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on their protected characteristic.

The City of Parkersburg is committed to providing a safe and respectful working environment for all its employees free from discrimination on any ground and from any form of harassment and unwelcomed conduct at work. The City of Parkersburg will operate a zero-tolerance policy for any form of harassment or unwelcomed conduct in the workplace, treat all incidents seriously and promptly, and investigate all allegations of harassment or unwelcomed conduct. Any person found to have harassed another, including but not limited to employees, coworkers, customers, vendors, etc.... will face corrective action, up to and including termination from employment. All complaints of harassment and unwelcomed conduct will be taken seriously and treated with respect and in confidence. There will be no retribution for making such a complaint.

The City of Parkersburg

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual Harassment can involve one or more incidents and actions constituting harassment and may be physical, verbal and non-verbal. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature, when:

- I. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- II. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- III. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Some examples which could or maybe considered as sexual harassment include: unwelcome or unsolicited sexual advances; displaying sexually suggestive material; sexual flirtations, advances or propositions; suggestive comments; verbal abuse of a sexual nature; sexually-oriented jokes; crude or vulgar language or gestures; graphic or verbal commentaries about an individual's body, negative comments regarding pregnancy, gender-bias; or display or distribution of obscene materials; physical contact such as patting, pinching or brushing against someone's body or other inappropriate touching; or physical assault of a sexual nature.

These examples are not an exhaustive listing and sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient. Anyone can be a complainant of sexual harassment or unwelcomed conduct, regardless of their sex and of the sex of the harasser. The City of Parkersburg recognizes that sexual harassment and unwelcomed conduct may also occur between people of the same sex. What matters is that the sexual conduct or unwelcomed conduct is unwanted and unwelcome by the person against whom the conduct is directed.

The City of Parkersburg recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone with whom employees come into contact, including employees of the City of Parkersburg, applicants for employment, vendors, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

The City of Parkersburg

All sexual harassment is prohibited whether it takes place within the City of Parkersburg premises or outside, including at social events, business trips, training sessions or conferences.

Non-Retaliation

Retaliation for reporting Harassment and/or Unwelcomed Conduct is not tolerated. No employee will be retaliated against for making a complaint in good faith regarding a violation of these policies, or for participating in good faith in an investigation pursuant to these policies. If an employee feels they have been retaliated against, they are advised to contact their own management, Human Resources or other City of Parkersburg management as soon as possible. **Employees may directly call Human Resources at (304) 424-8462 or may also send an email to personneldirector@parkersburgwv.gov.**

Open Door Policy

The City of Parkersburg has an Open-Door Policy and takes employee concerns and problems seriously. We value each employee and welcome them to bring their concerns to our attention. Employees are invited to contact their own management, Human Resources or other City of Parkersburg management to discuss any concerns without fear of repercussions. We believe it's in everyone's best interest to resolve any concerns or differences as immediately and thoroughly as possible. Employees should know their concerns are important to us; and everyone in the organization will be treated with courtesy and respect when they meet with us. Confidentiality will be maintained to the best extent possible. To contact us, employees may call Human Resources at (304) 424-8462 or send an email directly to Human Resources at personneldirector@parkersburgwv.gov.

Complaint Procedure:

Any City of Parkersburg employee or applicant for employment who feels that they have been harassed or discriminated against or have witnessed or become aware of discrimination or harassment in violation of these policies, should bring the matter to the immediate attention of their own management, Human Resources or other City of Parkersburg management. **Human Resources may be directly contacted at (304) 424-8462, and/or a written complaint may be sent to the Human Resources Department, directed to the Personnel Director, or emailed to personneldirector@parkersburgwv.gov.** Anonymous complaints may be made to the Human Resources Department either by calling (304) 424-8462 or via email at personneldirector@parkersburgwv.gov. All reports, however particularly those that are anonymous, should be factual rather than speculative or conclusory, and should contain as much specific information as possible so the report can be adequately assessed for nature, extent and urgency of the allegations, and to conduct a thorough investigation. If an anonymous complaint cannot be properly investigated because insufficient information has been provided, the Human Resources Department will have no option but to close the matter. Therefore, it's critical that reports are as factual and specific as possible.

The City of Parkersburg

The City of Parkersburg will promptly investigate all allegations of harassment, discrimination and unwelcomed conduct and take corrective action as appropriate based on the outcome of the investigation. An investigation and its results will be treated as confidential to the extent feasible and permitted by law. The City of Parkersburg will take appropriate actions based on the outcome of the investigation.

The City of Parkersburg is committed to full compliance with all applicable laws and regulations by our employees. The City of Parkersburg also does not tolerate unethical activities or any conduct in violation of our policies. Each employee is required to promptly report any activities which they reasonably believe, in good faith, constitute unlawful conduct, or activities that are in violation of our policies. In addition, employees are encouraged to report any issues, concerns, or activities that they believe in good faith are unethical, suspect, questionable or may be contrary to the City of Parkersburg's policies, practices or operations. This policy covers conduct and activities which an employee believes are directed at themselves or at others. Accordingly, the City of Parkersburg has established the above procedure for (i) reporting employees of suspected violations or other concerns, and (ii) the receipt, investigation, and treatment of these reports.

Related Policies, Procedure or other documents: Equal Employment Opportunity Policy Statement; Professional Code of Conduct Policy

Violations: The City of Parkersburg will take appropriate action to remedy violations of this policy. Employees found to be in violation of this policy will be subject to the appropriate corrective action up to and including termination of employment.

The City of Parkersburg

Code of Professional Conduct

Scope: This Policy covers all employees of the City of Parkersburg

Policy Purpose: The purpose of this Policy is to ensure that the work environment is safe, comfortable and productive. Employees should be respectful, courteous, and mindful of others' feelings and needs.

Administration: The City of Parkersburg expects its employees to adhere to a standard of professional conduct and integrity. General cooperation between coworkers and management is expected. The City of Parkersburg reserves the right to initiate corrective action and/or terminate any employee who violates the City of Parkersburg policies, practices or rules of conduct. Poor performance and misconduct are also grounds for corrective action, up to and including termination.

The following actions are unacceptable and considered grounds for corrective action. This list is not comprehensive; rather, it is meant merely as an example of the types of conduct that the City of Parkersburg does not tolerate. These actions include, but are not limited to:

- Engaging in acts of discrimination or harassment in the workplace;
- Possessing, distributing or being under the influence of illicit controlled substances;
- Being under the influence of a controlled substance or alcohol at work, on the City of Parkersburg premises, or while engaged in City of Parkersburg business;
- Unauthorized use of City of Parkersburg property, equipment, devices or assets;
- Damage, destruction or theft of City of Parkersburg property, equipment, devices or assets;
- Removing City of Parkersburg 's property without prior authorization or disseminating City of Parkersburg information without authorization;
- Falsification, misrepresentation or omission of information, documents or records;
- Lying or misrepresenting the City of Parkersburg;
- Theft
- Insubordination or refusal to comply with directives;
- Failing to adequately perform job responsibilities;
- Excessive or unexcused absenteeism or tardiness;
- Disclosing confidential City of Parkersburg information without authorization and/or in accordance with responding to mandated Freedom of Information Act (FOIA) requests
- Illegal or violent activity;
- Falsifying injury reports or reasons for leave;
- Disregard for safety and security procedures;
- Disparaging or disrespecting management and/or co-workers, customers, vendors and associates; and

The City of Parkersburg

- Any other action or conduct that is inconsistent with City of Parkersburg policies, procedures, standards or expectations.

This list exhibits the types of actions or events that are subject to corrective action. It is not intended to indicate every act that could lead to corrective action.

The City of Parkersburg reserves the right to determine the severity and extent of any corrective action based on the circumstances of each case.

Violations: The City of Parkersburg will take appropriate action to remedy violations of this policy. Employees found to be in violation of this policy will be subject to the appropriate corrective action up to and including termination of employment.

**AN ORDINANCE CREATING
INTERN POSITIONS WITHIN
PARKERSBURG POLICE DEPARTMENT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that there are hereby created within the Parkersburg Police Department four non civil service positions as follows:

- CPM
- 1. The positions shall be known and identified as "Parkersburg Police Intern".**
 - 2. Compensation shall be paid at the rate of \$10.00 per hour.**
 - 3. The intern syllabus shall be as set forth in the attachment hereto, the provisions of which are incorporated by reference.**
 - 4. The implementation of the Ordinance shall be subject to and contingent upon the adoption of budget revisions as may be necessary to fund the positions hereby created.**

Sponsored by Councilmembers:

Parkersburg Police Department **Internship Course Syllabus**

Goal

To attract and recruit young adults that are interested in becoming police officers. This program would train the individuals to become professional police officers. The program will show the intern the daily duties a police officer performs and make sure the career is appropriate for them.

Standards

The intern will need to dress and conduct themselves professionally during the entire internship. The skills-based training will have pass or fail training exercises the intern must perform and pass to continue in the program. The classroom portions of the training will have written examinations the intern must pass to continue in the program. Once the intern reaches the Uniform Shift Shadowing section of training, they will be evaluated with the same field training program the department's probationary officers are evaluated with.

Total course length:

2080 hours

City orientation:

12 hours – The purpose of this section of training will be to teach the intern the geographical layout of the city. This will include city limits, the order of the numbering of city blocks, and important landmarks in the city. This is important because police officers must respond to calls in the quickest routes that they can safely navigate.

Communications and 911:

30 hours – The purpose of this section of training will be to show the intern the day to day operations at the 911 facility. During this training the intern will also meet the different dispatcher in the county. This will improve working relations if the intern becomes a Parkersburg police officer. The intern will learn the radio codes, procedures, and see what information is important for police officers to relay to dispatchers. The intern will also learn all the resources and capabilities of a 911 dispatcher.

Criminal and traffic law:

30 hours – The purpose of this section of training will be to teach the intern the criminal and traffic laws of the state of West Virginia. The intern will also learn how to complete a Criminal Complaint and citation during this training. This is important because the intern will know which acts are criminal and which are not. They will also learn how to apply the law and obtain an arrest warrant.

Defensive tactics and use of force:

60 hours – During this section of training the intern will learn the defensive tactics taught in the state of West Virginia. This is important because the intern will learn the best tactics to defend themselves if they become police officers. They will also learn how to control their emotions during a violent encounter and, they will learn how to effect an arrest with the least force necessary. This will involve skill-based training as well as report writing to best describe the force used and the force's necessity.

Desk duty:

120 hours – During this section of training the intern will be assigned to the front desk at the Parkersburg Police Department. The intern will assist in answering telephone calls and, they will take on station report calls. This will teach the intern to properly obtain all pertinent information, improve interpersonal communication skills, and build confidence in speaking with the public.

Detective shadowing:

120 hours – During this section of training the intern will be assigned to an investigator. The intern will learn the day to day duties performed by a detective. The intern will assist the detective in investigations. The intern will learn the importance of interview and interrogations. This section will also show the intern the completion of a police investigation and show them what they could do better as a uniformed officer to help investigators.

Evidence and photography:

30 hours – During this section of training the intern will learn how to document, collect, package, and process evidence. They will also learn how to complete a WV Lab Submission form

during this training. The intern will be shown how to obtain photographs and the procedures of photographing a crime scene.

Final:

30 hours – During this section of training the intern will be faced with a scenario. During the scenario the inter will have to respond to a crime, investigate the crime, make an arrest, and testify at a mock trial. This will show the intern has learned the skills and knowledge needed to be a police officer and, the intern can use the skills and knowledge learned.

Firearms:

60 hours – During this section of training the intern will learn firearm safety and how to use the firearms issued by the department. It is important for police officers to be efficient with firearms to keep the public, other officers, and themselves safe.

K-9:

12 hours – During this section of training the intern will learn the abilities of a K-9 unit, how to work with one, and the K-9 safety. This will include when they can call for K-9 assistance and, what they can do to assist the handler.

Physical fitness training:

520 hours – This training will take place at the beginning of every training day. The intern will be given a workout routine to complete and time to prepare for the training day. The routine will be prepared by former Fellowship Officers that worked at the WV State Police Academy. This will prepare the intern for the police academy.

Policy and procedures:

30 hours – The intern will be given time to review the department's policy. They will be given an opportunity to ask questions as to why the policy is in effect and will be tested of the policy.

Report systems:

12 hours – During this section of training the intern will learn how to use the departments records management system (Zuercher) and the state crash report system (ReportBeam). The intern will learn the capabilities and functions of both systems.

Report writing:

18 hours – During this section of training the intern will learn how to properly write a police report. The intern will be learn to organize, include all facts, and how to describe the events of the investigation in writing.

Search and seizure:

30 hours – During this section of training the intern will learn the limits officers are held to during searches and seizures in an investigation. The intern will be taught to write a search warrant during this training. The intern will be tested by being given scenarios and completing a search warrant from the scenarios.

Taser:

12 hours – During this section of training the intern will receive the same training Parkersburg Police Officers receive in reference to Taser. The intern will learn to effectively use a Taser ECW and document the use of force in a report. The intern will receive an exposure to the Taser ECW during this training.

Uniformed patrol shadowing:

954 hours – During this section of training the intern will be assigned to a uniform patrol officer. They will observe the daily duties of a police officer. They will perform tasks for the officer once the scenes are safe. They will be assigned to all three different shifts during this training. This will show the intern how shift work might affect their life. The intern will complete a short essay at the end of each work week. In this essay they will detail the duties they completed and, they will tell what all they learned during the week.