Minutes of Meeting
At Will vs. For Cause
March 19, 2015
1:30 p.m.

The Kootenai County Board of Commissioners: Chairman David Stewart and Commissioner Dan Green met to discuss the following agenda items. Also present were Treasurer Steve Matheson, Chief Deputy Treasurer Laurie Thomas, Human Resources Director Skye Reynolds, Chief Deputy Clerk Pat Raffee, Civil Prosecutor Darrin Murphey, Civil Deputy Prosecuting Attorney R. David Ferguson, Adult Misdemeanor Probation Director Kevin Creighton, and Deputy Clerk Meshell Missler. Also present was Idaho Counties Risk Management Program Specialist Jim McNall. Commissioner Marc Eberlein was excused.

A. **Call to Order:** Chairman David Stewart called the meeting to order at 1:32 p.m.

B. **Introductions:** There were no introductions made.

C. **Changes to the Agenda:** There were no changes to the agenda.

D. **Old Business:** There was no old business discussed.

E. **New Business:**
Human Resources Director Skye Reynolds opened a discussion with the Board regarding "At Will" and "For Cause" employment policies. Ms. Reynolds said the County had switched from a "For Cause" to an "At Will" policy in recent years, and she said some employees have expressed concern. Ms. Reynolds said her experience has been to adopt an "At Will" policy, yet treat employees respectfully and conduct respectful processes as if it were a "For Cause" process. Ms. Reynolds said it is a good practice to put something in writing regardless of what the policy is, and to communicate up front and respectfully when there is a performance issue or needed improvement.

Commissioner Eberlein joined the meeting at 1:36 p.m.

Commissioner Green said his biggest responsibility is to limit the liability of the County, and that the "For Cause"policy has obligated the County to pay out money not because an employee was poorly treated, but because the policy process wasn't followed. Commissioner Green said he recommends focusing on the "process" wording in the policy whether it be an "At Will" or "For Cause" policy. He said the only reason the County went to the "At Will" policy was that the "For Cause" policy brings more liability.

Treasurer Laurie Thomas said when the County adopted the "At Will" policy, employees were uneasy about the change, so the Treasurer's office stayed "For Cause" and they continued with the documentation required under this policy.

Civil Prosecutor Darrin Murphey advised the Board that the "For Cause" Policy requires the rules and processes stated in the policy to be followed. Mr. Murphey said problems occur when the process is not followed exactly. "For Cause" policies require following steps usually consisting of proving reasonable cause and documentation of warnings or

improvement requests. Mr. Murphey also said from an attorney's perspective the "At Will" policies are much easier to defend than "For Cause" complaints when looking for a summary judgment,

Idaho Counties Risk Management Program (ICRMP) Specialist Jim McNall said if the Board decides on a "For Cause" policy he recommended it be written in simple terms. Mr. McNall said that while there are advantages and disadvantages of both policies, he recommended following Ms. Reynolds idea for an "At Will" policy while treating employees as they were "For Cause". He also recommended the Board get input from the elected officials and department heads.

Ms. Reynolds recommended using the ICRMP sample policies and incorporating the simple language into the County's Policy and Procedures Manual.

The Board requested to review the "At Will" and "For Cause" sample ICRMP policies. Mr. McNall said that once the BOCC establishes a policy, it needs to be reviewed each year and will likely require continuous updating.

F. **Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There were no public comments.

Chairman Stewart adjourned the meeting at 2:31 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

DAVID STEWART, CHAIRMAN

BY: _____

Meshell Missler, Deputy Clerk

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