



P.O. Box 504, 314 South 10th Avenue
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www.cityofbrokenbow.org

REQUEST FOR RECORDS
INFORMATION PROVIDED BY REQUESTER

Date of Request: Aug. 21. 2019 Submitted to (agency): Broken Bow City Cler
Request submitted by: In Person X Telephone Fax X Mail
Name (required): Jacque Harms Phone Number: 308-532-2222
Mailing address (required): 402 S. Dewey, North Platte, NE 69101
Fax Number: 308-532-9579 Email Address: news2@nbcneb.com

PLEASE IDENTIFY THE RECORDS AS SPECIFICALLY AS POSSIBLE OR DESCRIBE THE INFORMATION YOU WANT (required):

Grievance filed by Jeremy Tarr regarding his meeting with Mayor Jon Berghorst on Aug. 13, 2019.

- I request to (please check all that apply)
Inspect the records named/described
Make notes from the records name/described
Obtain copies of some of the records named/described
Obtain copies of all records named/described

- If the requested records are not immediately available, how do you wish to receive a response to your request?
Call me to discuss
Fax to me at the telephone number I provided
Email to me at the email address I provided
Send by mail to the address I provided
I will return in person

Jacquelyn Harms

Digitally signed by Jacquelyn Harms
DN: cn=Jacquelyn Harms, o, ou, email=jacque.harms@nbcneb.com, c=US
Date: 2019.08.21 16:06:19 -05'00'

8/21/19

Requester Signature

Date

For Office Use Only

Table with 3 columns: Date Received (8-21-19 4:05 pm), Received By (Stephanie Wright), and Approved/Denied By (Stephanie Wright 8-21-19 4:29 pm)

The basic rule for open public records in Nebraska is found at Neb. Rev. Stat. Section 84-712. The City of Broken Bow may require that request for records be in writing; this form is provided for convenience but is not require.

** Please allow up to 4 business days for a response to your request. If additional time is needed you will receive written correspondence from City Hall requesting additional time to process. **

Jeremy Tarr
Electric Superintendent
City of Broken Bow

Attention City Clerk, please file this official grievance document according to City procedures

Grievance with the City of Broken Bow

Dear, Mayor Berghorst, Council President Sonnichsen, City Council, and Board of Public Works (Utility Board)

I, Jeremy Tarr, am submitting a grievance on this day, August 20, 2019, with the City of Broken Bow for an incident that occurred between myself and the Mayor on August 13, 2019 around 4 p.m. The grievance is addressed to all persons and boards that I take direction from, other than my direct supervisor which would be a City Administrator that we do not employ. Since the incident involves the Mayor, I believe this grievance shall be initiated at the Final Step according to our procedure of submitting grievances in our City of Broken Bow Employee Handbook.

Grievance

Nature of grievance – Safety, Hostile/Bullying working environment, Mayor directing me to not perform my job responsibilities and requirements according to my job description, and the Mayor Micromanaging and making decisions that are not a Mayor's to make.

Act or acts of commission or omission – (Events in detail below)

Date of the act or acts – August 13, 2019

Identity of the party or parties who claim to be aggrieved – Jeremy Tarr, Electric Superintendent

Identity of the party or parties to have caused the grievance – Mayor Jonathon Berghorst

Provisions of this manual which are alleged to have been violated – Code of Ethics, Safety and Health, Job Descriptions/Position Profiles & Compensation of Appointed Officials/Employees

Remedy Sought – Create City driven Safety policies and procedures other than the Union's, I Need to be able to have open communication with all who I take direction from, Ability to perform my responsibilities and job duties without interference or repercussions from the Mayor.

The best way I can describe the act or acts of commission or omission is copy from my personal documentation of what happened in our meeting and write about the incident.

Today is August 13, 2019 and the day I truly decided that I need to document certain encounters that I have at work. Apologies for the poor grammar and the rambling.

Today I had a meeting scheduled at 4p.m. with the Mayor, Jonathon Berghorst. I had no idea what the meeting was about, just that he wanted to talk with me. Once our meeting began I knew that this was not going to be a "good" meeting. We essentially covered three main topics that was bothering him. (These may not be in order of how it was said, but it was said)

On Call

Jon said that on July 17th he talked with Blake Waldow and found out that he was on call alone. He told me that we have talked about this before and that this was not how it was suppose to be and that we won't be having this conversation again. This would have been brought to my attention sooner, but he needed to do some checking before talking to me. He had talked to APPA, the League, and many other entities and he said that it is illegal and unsafe to have him be on call. He said to work alone, the person needs over 8000 hours and complete the apprentice program. That if any of them were to get hurt they could sue the City, Me, and even Jon. I told him that I am aware that we have talked about this before, the on call, not the actual credentials needed or the legal factors. He wanted two people to be on call at all times, so after our first talk I took the issue to our Utility Board, since it cost money to have people on call so it becomes a financial decision. The board chose to only have two people on call on the weekends, not during the week. (I tried that and received a grievance from one of our workers for not getting paid for 7 days of on call even though they were only on the weekend.) I told Jon that I had the employees sign off saying they were comfortable and confident to be on call, as well as their immediate supervisor, Casey Flynn, stating that he too felt they were capable of the task. Jon didn't care and said he was the boss and we will do whatever he says. As for the Utility Board, he didn't care what they had to say. We are his employees and he is in charge, and we will do what he wants. His employees, not the boards, so he makes the decisions and I won't be addressing the board about any of this. Jon stated that he is the boss, I'm his employee, and my staff is his employees and that's it. So moving forward we will have two people on call at all times. Along with that, he told me that it is the law that if working with more than 50 volts of electricity there needs to be two of us there. That way if we got shocked the other could call 911 and give CPR if needed. This was so our younger guys can't even do secondary work alone. He said Custer doesn't follow that rule but the city is going to. So I asked if we send someone out to work on street lights, we have to have another person present since it is 120 volts. He said well I don't think we have to get that picky about it. He told me that I will be on call now as well. I was told when I took this position that it was my choice, but he made

that choice for me since he is my boss now. He said I may have to rent a hotel or stay with a friend because I have to be within a 30 minute response time and my current location doesn't allow that. I stated I would figure it out. At the end of this part I told him that I have no answer for him. That putting people in the position to be on call every other week will burn them out. He asked if he should make the on call schedule and I told him I would do it. He said I may be losing an employee since his father was going to interview with the park department later. So I said we would wait until his trial period was over before we made any schedules.

(The issue of our new employees being on call was brought up by me to the Utility Board on 3/25/19. I remember Jon was not happy about me bringing this to the board at the time as well. I believe according to the City of Broken Bow's Code Book in the section of 32.06 Board of Public Works items of this nature and anything to deal with operations and finances that don't exceed a set amount by the City Council, are the responsibility of the Board, not the Mayor.

Technically we have two employees on call at all times anyway. If for some reason our on call person cannot find another electric employee to assist if needed, they can call the on call water and sewer employee for assistance. All of our electric employees know that if they do not feel comfortable with hot work, they are capable of de-energizing any lines for their safety or the public's.)

Utility Board

Jon said he was not happy about me not informing him about the \$40,000 worth of bills that it took to fix the light plant. I told him that, that wasn't true and I have kept everyone informed to the best of my ability in my department head updates during the Utility board meetings. I told him I thought that maybe he missed some of those meetings, but it is in the minutes of the meeting as well. That didn't please him. He said that he is my boss and that those decisions should go through him, not the board. With decisions of that size, he needs to be involved. He is the boss and I should come to him with everything and he will relay the message if he sees fit. He is suppose to decide if the information or decision needs to go in front of any board, not me. Along with the light plant fixes, he was upset about me presenting the need to have an hourly contract with the current contractors working on our 69KV line project. A situation came up where extra work needed to be done to complete the project, so I had the engineer draft a letter explaining the situation to the utility board. Jon said that he should have been the first to know and that he would have made the decision one way or the other and then given it to the board if needed to be. So no matter what it is, I will be informing him and he will take action from there.

(Essentially, I was under the impression that he believes the Utility Board is a waste and that he is my boss and will make the decisions I am hired to make. I am confused at this point and don't know where I stand as an employee with the City. How do I do my job and work with the utility board when the Mayor won't allow it?

As far as not keeping Jon informed, starting at the 5/13/19 Utility Board meeting, I began informing about the light plant issues we were encountering. I continued to update everyone at the meetings as I found out more until the issues were resolved. This issue too, is the Board of Public Works responsibility, not the Mayor's.)

Safety

During our talks, Jon informed me that he was approached by multiple employees that I was harassing them. He said that I was purposely driving by their work area and stopping and harassing them about safety issues. I told him that he must be referring to the Water Crew who I stopped and told them that there was an overhead hazard, a mechanically driven steel arm of a vacuum trailer, and that they should put their hard hats on. Along with that, I said I wasn't out searching for them, they were working along the main highway and we were working on the street near the intersection they were working by. So, I and my crew were driving by multiple times to and from our own job site. I told him I would do the same thing again because it is a safety issue and it needs to be addressed. He did not like that answer and told me that I am harassing City employees and that I am not the safety police. I need to stick to my own department and mind my own business and leave everyone else alone. I asked well who is suppose to address the issue since no one else is? He repeated that I am not the safety police and that he is in charge of personnel and that if there is an issue he would be the one to address any issue.


(Safety should be number 1. Jon talked about safety with our lineman and adding two people on call and not working anything over 50 volts in one part of our conversation and then after that, he tells me I'm not the safety police and mind my own department and stop telling other employees to be safe. How can I do Both?

The first bullet point in my job description under role and responsibilities is; Supervises and evaluates Utility Department Employees. Another responsibility is; Assists other departments as required. Under just these two items alone, I believe that I was performing my job duties and requirements as not only a superintendent but as a common employee. I try to look out for the safety of our employees and the public as a whole, which I hope all of our employees are.

In our safety committee meeting minutes of 1/9/19; Enforcement of Safety was discussed, and was said that it needs to come from the top down and be enforced. Jon was present at this meeting and was believed to be in agreeance, as well as suggested tailgate sheets.)

(End of Documentation)

Respectfully,



Jeremy Tarr