

SPECIAL MEETING OF THE TOWN OF PLEVNA—Tuesday March 16, 2021, 7 p.m.
Plevna Community Center

Mayor Benner called the meeting to order at 7:00 p.m. He then turned the meeting over to Councilman Thielen as Acting Chairman.

Councilmen present were Jordan Hoffman, Kyle Vennes, Gary Thielen and Alba Higgins via phone conference.

Also present: Krista Nemitz, Clerk/Treasurer
Julie Straub, Human Resources
Corrine Sander, Wastewater Operator

Rick Schell, Water Operator
Jolene Boespflug, Assistant Clerk

Members of the public present: Shawn Sander and Lois Geving

It was stated that in an e-mail sent March 13, 2021, to Julie Straub, Human Resources, the Wastewater Operator requested this meeting to be left open to the public.

Councilman Thielen stated to the Wastewater Operator, Corrine Sander, this is your Pre-disciplinary Meeting, specifically, your opportunity to provide us with any information we should consider before making a decision.”

Corrine Sander asked, “Would it make any difference at this point if I shared additional information.”

Julie encouraged her to please do so.

Corrine read the following:

“This informational document will serve as my reply to the letter that I received dated March 8, 2021. The letter that I received that was dated March 8, 2021 was erroneous in the least, so I shall share the truth as is necessary.

First of all with regards to lagoon mowing. While it is true that the mower that was used for the initial mowing did not possess a mower deck that would reach fully to the edge of the water, it was the only tractor type that was available at that time. The lagoon system was in desperate need of a comprehensive mowing to mitigate the sage. A very thorough, thoughtful first mowing of the Plevna lagoon site was completed. I did continue to work on the “strip of weeds” that remained by using hand tools. That process was time consuming and laborious but worked well as much of the brush was too dense to cut with a weed whacker or a push mower.

It is necessary to mention also that the council demanded additional mowing at the lagoon site during the winter and this situation was brought to the attention of Labor and Industry and the winter time mowing demand was stopped by L & I at that time. You should wonder why the council tried to force an unsafe work practice on an employee when it was clear that the task would have posed an immediate and substantial risk of injury. Is it unlawful for an employer to try to force an unsafe work practice? What is an unsafe working condition? When unsafe working conditions place the life of a worker in imminent danger, the worker has the right to refuse work if, there is a reasonable and good faith belief that a condition in the workplace poses an immediate and substantial risk of serious physical injury or death. At a later date an alderman located a “brush hog” walk behind brush cutter at the local rental business. I went to the business to assess the unit and was told that the “brush hog” was “very aggressive” and not suitable for slope mowing. The employee there told me that on a slope this machine would pull downhill and could end up in the water.

A statement was made by an alderman at a brief sit down meeting to discuss mowing, paraphrase, "We have to provide you with whatever you need to get the job done." I was given a July 3rd deadline to get the mowing done. I had two potential sources of help and neither of those options were available. I contacted a contractor who had worked for the town before and had performed very well. They had the equipment needed and were able to come to Plevna and get the work done and would have met the deadline. They would have also taken care of DEQ requested fence work and would have mitigated a large patch of noxious weeds while mowing. The council would not allow this project to move forward. Therefore, as the certified operator for the town of Plevna, I have completed my due diligence with regards to mowing. The council is responsible for the additional mowing not being completed.

In February of 2019 I had a surgical procedure. I will only say that this procedure was absolutely necessary & critical. The result of the procedure was a lifting restriction. I have never sought a disability claim as this lifting restriction would not interfere with the duties associated with my town job. Email dated 03/03/2021, "My medical records contain highly personal and sensitive data therefore I claim protection under the "Health Insurance and Accountability Act" (HIPPA). My medical file is in permanent sequester status. A number of cases have ruled that a lifting restriction of twenty five pounds or less is not a disability under the Americans with Disability Act (ADA). Therefore, I am not interested in a disability claim. Lastly, I claim all the protections offered to me under Montana Code Annotated Title 49, et al. It is worth noting also that as directed by the DEQ, I have always used the buddy system while completing waste water ops for the town of Plevna. This practice allowed the buddy to remove the man hole lids and I would then, from street level, pour the copper sulfate into the flowing water in the bottom of the main. The buddy would then quickly slide the lid back into place and we would move on. So you see that task would be completed the same post- procedure as pre-procedure."

I have done nothing to cheat or trick the town of Plevna as was alleged in the fraud accusation that was hurled my way on 12/10/2020. I resent having been accused of defrauding the town of Plevna. Also, I must mention that within a few days of the 12/10/2020 meeting I began to suffer a stress related physical ailment that has only occurred twice before. Spring 1988 when my younger brother was killed in an on the job accident and in December 1996 when my older brother was killed in an on the job accident. This ailment has not yet righted itself so it is safe to say that the town of Plevna and Baker HR are the cause of this problem. I wonder if this accusation of fraud rises to the level of slander...

Now let's go back to May 2017 and revisit some pertinent information. The Plevna inspector(s) associated with the regulatory agency, MT DEQ, visited our waste water treatment facility. While the walk through was being conducted a suggestion was made by one of the visitors that day that a "draw down should be done to allow for more water surface, equaling more evaporation etc." Again, the regulating agency made the suggestion, as the certified operator, I agreed with that assessment and a draw down was completed. On or about 08/11/2017, I received a letter that threatened termination for having completed the draw down. This letter was written by Fallon County HR at the behest of the Plevna mayor. I was not contacted or questioned during the drafting of this letter. Had I been contacted I would have shared that the process of moving water from one cell to another cell was/is a common management tool and had been used in Plevna for a long time. I have a copy of an inspection report from nearly thirty years ago noting three cells. I found this letter that threatened termination for having completed routine water management quite upsetting. I likened it to a form of harassment and it was fully unjust.

Please enjoy the information in the next paragraph that I came upon while researching topics for this letter.

Dark side research has uncovered a variety of unethical leader acts. Various terms have evolved in the literature such as abusive supervision (Tepper, 2000), supervisor undermining (Duffy, et al, 2000), toxic leadership (Frost, 2004), and tyrannical leadership (Ashforth, 1994). Research shows these leaders are oppressive, abusive, manipulative, and calculatngly undermining (Tepper, 2007). Their actions are perceived as intentional and harmful. Thus, it was determined that destructive leader behavior is unethical. Now would be a good time

to mention, also, that another town employee made a comment to me after a particularly hostile meeting, “I don’t know how you can stand to put up with the way they treat you – you should just quit”. Additional data states = In workplace harassment situations, the perspective of a “reasonable person” is one aspect of the criteria used to determine whether a work environment is hostile.

In September of 2020, at a town meeting, we had a discussion about cleaning sewers with the jet machine. I mentioned that I could help on Saturday after work at about 10:00 A.M. and any time on Sunday. I assumed that the next weekend we would start that process so I posted the pertinent information at the Plevna post office and the Plevna bar. I waited at the jet location for about forty five minutes on Saturday and no one from the council arrived to help.

In mid December 2019 the town of Plevna received a directive from the DEQ. This letter was sent as a result of the wastewater treatment facility being in “locked out” non-compliance status. THIS non-compliance status was achieved by someone other than the certified WWTFM. “The administrative Rules of Montana (ARM) 17.40.208 (1) & (2) state: “Every water or wastewater treatment system must have an individual in responsible charge at the system site or on call at all times who can respond in a timely manner to threats to public or environmental health. (2) Except as provided in this rule, the individual in responsible charge of a system must be a fully certified operator for that class or a more complex class of system. Failure to have a certified operator in responsible charge of the system will be considered a violation and is subject to penalties of up to \$500 per day, per violation.” “The lagoons require a Certified Operator to be in responsible charge of the system, which means the Operator must be able to properly do their job and have full access to all parts of the system at all times. This includes having copies of all keys required to access the system.” There exists additional directive data in this document that satisfies the Mayors’ desire to have a permit for the Plevna system.

It is my opinion that since the “termination” letter from 2017, a broad sweeping campaign of “how can we get rid of Corrine” has been waged against me as the certified waste water treatment facility manager for Plevna. I know that the council has already asked the water operator for Plevna if his sewer certification would cover the Plevna job. I have been the certified WWTFM for Plevna for quite some time and to question my competency is laughable. In 2017 it was not a violation to put water into the third cell so the basis for the termination letter was bogus. The directive to conduct a draw down came from the DEQ, the governing agency. The mayor does not hold a current certification as a waste water treatment facility manager.

“Harassment is a word that describes any kind of ongoing torment”.

Additionally, I was advised in 2017 by an employee of Fallon County that “Fallon County and the County Commissioners have no jurisdiction over the town of Plevna.” I am not an employee of Fallon County and I have learned that prior Plevna personnel matters were always handled “in house.”

As the operator for Plevna I never once stated that I wanted a permit for our system. A permit will require a water treatment process/facility to be constructed installed at the lagoon site, very costly proposition.

It would seem to me that the council should concentrate their efforts on and address the following items,

- 1) The town of Plevna has no back up well – why is that?
- 2) Assess the particulate problem in our water (infiltration or aquifer stress).
- 3) Assess our new water system in order to locate water leaks & coordinate needed repairs.

Unfortunately, the last item noted is costing the rate/taxpayers lots of money. Lost potential revenue to the town of Plevna is ongoing and substantial.

Lastly, I would say, I have never acted outside of the parameters set by the governing agency for the wastewater treatment facility in Plevna. I have never violated the mission statement of the DEQ.

Respectfully, Corrine Sander

Councilman Thielen asked Corrine if there is anything else she would like to add. Councilman Thielen then asked the Council if they have any questions for the Wastewater Operator.

Councilman Vennes asked the Wastewater Operator why she did not meet with Human Resources regarding the harassment charges after the December meeting. Corrine responded that she used email to communicate. She stated that she has been waiting for someone to explain to her why we are going through Fallon County HR and that she has been told the Fallon County Commissioners do not have jurisdiction in the Town of Plevna. She felt that all of this should have been handled in house.

Councilman Thielen responded that Fallon County Human Resources works with the Town of Plevna because of county funding and the inter-local agreement put in place because the Town does not specifically have any human resources employees.

Julie responded that she has helped the Town of Plevna and the Council prior to 2017 in other matters.

The Water Operator, Rick Schell, called for a public comment period. Councilman Vennes gave the Water Operator the floor. Rick asked Corrine who was the employee that told her, "Just Quit". Corrine would not say who the person was. Rick then responded that if she is referring to him, she is leaving out a lot of information, he does not appreciate being used against the council....

Councilman Thielen interjected that business shall move back to questions the Council has for Corrine.

Councilman Higgins stated that Corrine had the opportunity to use Human Resources and should have taken advantage of that. He also stated that the Council was never informed of what Corrine's limitations were. The Council should have been provided documentation explaining any restrictions.

Councilman Thielen called for more discussion from the Council. Seeing no further discussion, Councilman Thielen turned the meeting back over to Mayor Benner.

Mayor Benner called for a motion on how to proceed.

A motion was made by Councilman Thielen to dismiss Corrine Sander from the Wastewater Operator position, seconded by Councilman Hoffman.

A roll call vote was recorded by the Clerk:

Councilman Vennes – Aye

Councilman Thielen – Aye

Councilman Higgins – Aye

Councilman Hoffman – Aye

Motion carried, 4:0

A letter of termination was signed by the Council with Councilman Thielen signing for Councilman Higgins via his verbal consent.

Councilman Thielen stated, "The reason we are here tonight is your failure to follow directives, insubordination, use of non-employees to do your job, and unauthorized expenditure of Town funds. We have not received any direction from the Department of Labor. We have attempted to

vet your claims of medical restriction and allegations of harassment and/or discrimination. Our attempts have been futile and met with not only resistance but an unwillingness to find a means to support you in doing your job. The central issue is your failure to do your job, to meet the Town's needs and expectations. For these reasons we are discharging you."

Mayor Benner adjourned the meeting at 7:38 PM.


Town clerk, Krista Nemitz


Mayor, William E. Benner

