

NOTICE

Northwest Vermont Solid Waste Management District

ADMINISTRATION COMMITTEE MEETING

DATE: May 19, 2022
TIME: 3:00 PM
PLACE: Via Zoom: <https://us02web.zoom.us/j/4456759564>

AGENDA
3:00 PM

1. **Review Agenda**
2. **VOTE:** Minutes Administration Committee Meeting of March 29, 2022.
3. Review Mr. Kade's comments in relation to the Draft Weapons Free Workplace Policy that was drafted by the administration committee on 3.29.2022. Discuss and implement any necessary changes, Finalize to submit to full board at the June 2022 meeting.
4. Discussion - NWSWD PTO Policy: NWSWD staff is proposing and seeking approval to make changes to the NWSWD existing PTO policy: Strongly supported by staff and management, we would like the following changes to be implemented:
All paid time off as outlined in our current policy shall be front loaded at the beginning of the fiscal year rather than accrued weekly and any hours not used will be paid out with the last paycheck of the NWSWD fiscal year.

Revision after 3/29/22
admin meeting
sent to DK

Weapon Free Workplace Policy Draft:

To ensure that the NWSWD maintains a safe workplace for all employees and customers, the company prohibits the possession or use of firearms or other destructive devices/weapons by employees on their person or in their vehicle while on company property or property that the district utilizes for business.

This includes:

- a. "Firearms" – any weapon (including starter guns) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any weapon described in the above, and any device used to muffle or silence the weapon.
- b. "Destructive Device (s)" is an explosive, incendiary or poison gas, flame or any sharp-edged instrument* or other instrument designed to harm another person or property or is used individually or in combination with the intent to harm another person or property.
Destructive Devices include, but are not limited to: bombs, grenades, rockets, missiles, knives, stilettos, blackjacks (or other similar club weapons), brass knuckles.

All workers are subject to this provision, including contract workers and temporary employees. A license to carry the weapon does not supersede company policy. Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

The NWSWD recognizes that there may be circumstances in which The District deems it acceptable and/or necessary for the employee to receive a waiver of this policy. Examples could be:

1. Carrying an unloaded hunting rifle in a vehicle during hunting season,
2. A District Enforcement Officer request that could include safety concerns.

Prior to bringing any Firearm or Destructive Device to any NWSWD facility or property of which it inhibits, the employee must request and receive written permission to do so from the Executive Director or the Executive Director's Designee. The written request for permission must include: a. the basis for the request, and b. how long the necessity will last.

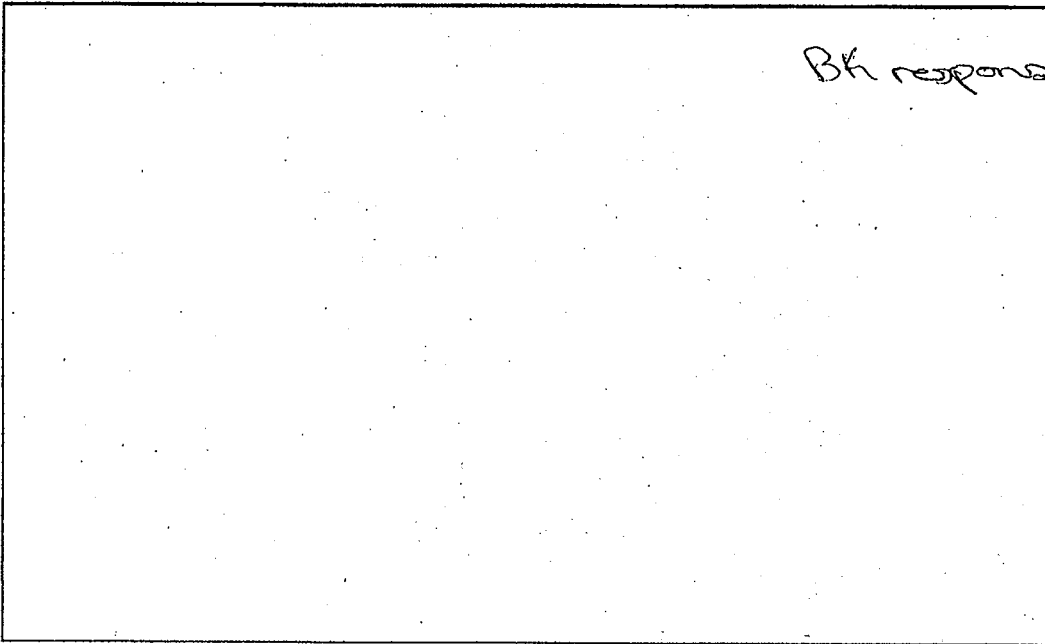
With approved notification, any Firearm or Destructive Device will be kept in a locked vehicle at all times unless otherwise approved. The Executive Director may grant, deny, or revoke permission at any time and/or apply conditions he believes are appropriate.

The NWSWD reserves the right at any time and at its discretion, to search any company owned or leased vehicles, any vehicle being utilized to conduct NWSWD business, any desk, locker, packages, containers, purses, or any other enclosures, or persons, brought unto NWSWD property or property The District utilizes, to determine whether any weapon is being or has been brought unto its property or property it utilizes, in violation of this policy. Any employee who fails or refuses to promptly permit a search under this policy will be subject to discipline up to and including termination.

*Exclusive of tools utilized by NWSWD employees to perform daily job functions.

usdmg
drg

Added



Bk response (s)

Weapon Free Workplace Policy Draft: [bk revision]

To ensure that the NWSWD maintains a safe workplace for all employees and customers, the company prohibits the possession or use of firearms or other destructive devices/weapons by employees on their person or in their vehicle while on company property or property that the district utilizes for business.

This includes:

a.

"Firearms" – any weapon ~~(including starter guns)~~ which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any weapon described in the above, and any device used to muffle or silence the weapon.

b.

~~"Destructive Device (s)" is an explosive, incendiary or poison gas, flame generator or any sharp-edged instrument* or other instrument designed to harm another person or property or is used individually or in combination with the intent to harm another person or property. Destructive Devices include, but are not limited to: bombs, grenades, rockets, missiles, knives, stilettos, blackjacks (or other similar club weapons), brass knuckles.~~

c.

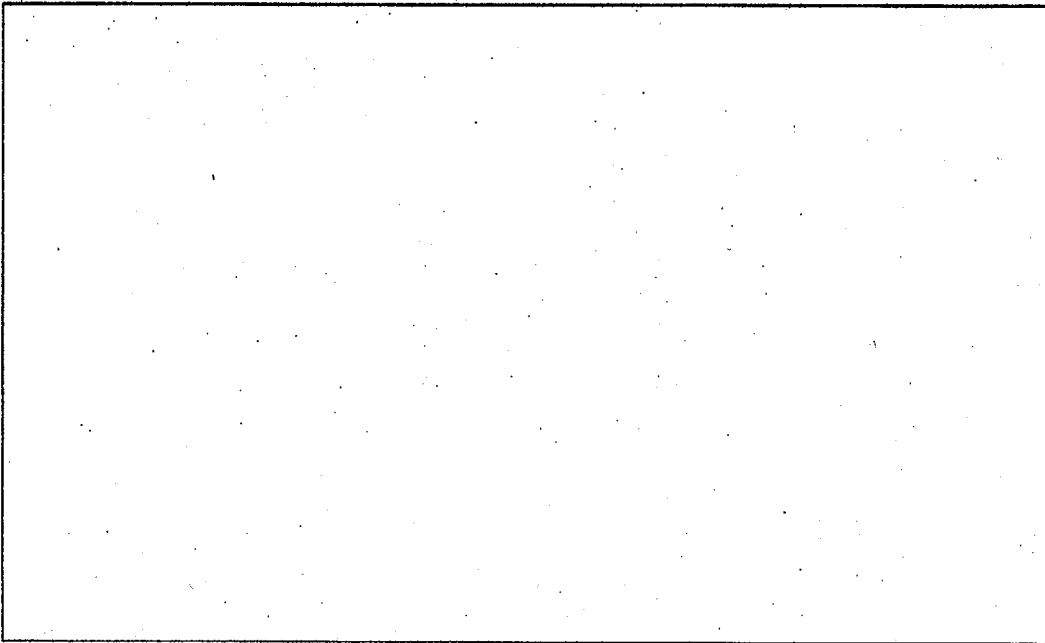
"Weapons" includes knives clearly capable of being used as weapons, pepper spray, stun guns, tasers or other instrument designed to harm another person or property or is used individually or in combination with the intent to harm another person or property.

All workers are subject to this provision, including contract workers and temporary employees. ~~A license to carry the weapon does not supersede company policy.~~ Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

The NWSWD recognizes that there may be circumstances in which The District deems it acceptable and/or necessary for the employee to receive a waiver of this policy. Examples could be:

1.

Carrying an unloaded hunting rifle in a vehicle during hunting season,



2.

A District Enforcement Officer request that could include safety concerns. Prior to bringing any Firearm or Destructive Device to any NWSWD facility or property of which it inhabits, the employee must request and receive written permission to do so from the Executive Director or the Executive Director's Designee. The written request for permission must include: a. the basis for the request, and b. how long the necessity will last.

With approved notification, any Firearm or Destructive Device will be kept in a locked vehicle at all times unless otherwise approved. The Executive Director may grant, deny, or revoke permission at any time and/or apply conditions he believes are appropriate.

The NWSWD reserves the right at any time and at its discretion, to search any company owned or leased vehicles, any vehicle being utilized to conduct NWSWD business, With articulated reasonable suspicion, any desk or locker may also be searched. Where articulated reasonable suspicion exists, the District may request the search of persons, personal packages or containers, including purses, backpacks and similar ~~containers or any other enclosures, or persons,~~ brought unto NWSWD property or property the District utilizes, to determine whether any weapon is being or has been brought unto its property or property it utilizes, in violation of this policy. Any employee who fails or refuses to promptly permit a search of District property under this policy will be subject to discipline up to and including termination. Any employee who fails to permit a search of their person or personal property included herein may be sent home for the day.

*Exclusive of tools utilized by NWSWD employees to perform daily job functions.

BK general comment: I think it is important to distinguish what may be kept in a locked car from what is absolutely prohibited on the property. I have hinted at that in my revision, but without knowing that others are in agreement, I'm not going to put in the time.

Rationals: a starter gun is not a weapon, unless it has been converted.

"Destructive devices" has been broken down to two categories! The first, including bombs, etc. is prohibited entirely. The second is weapons that are not similar to bombs. Those are the ones that I think need to be further divided as to what may be kept in a car.

Searches: I've distinguished between District property and a person and their belongings. I've added "articulated reasonable suspicion". A transparently random search may be included for all but persons and their possessions.

Buffalo Springfield, *For What It's Worth*

"Paranoia strikes deep

Into your life it will creep

It starts when you're always afraid

You step out of line

The man come and take you away"

Hope this is useful,

Barry Kade, DLAMF

NW VT Solid Waste Management District

manager@nswsd.org

Office: 802-524-5986 ext 13

"Everything in the Universe has rhythm. Everything Dances." - Maya Angelou

* * * * *

A thought on censorship: It's not so much about your right to speak, as it is my right to hear what you may have to say. I'm talking about my right, without regard as to whether I choose to actually listen. Having long ago come to that conclusion, I oppose all attempts at censorship as an attack on my rights as well as those of the speaker.

manager nswd.org

From: manager nswd.org
Sent: Wednesday, March 30, 2022 4:30 PM
To: David Clark; Jaime Tibbits; cjmicheli@comcast.net
Cc: manager nswd.org
Subject: FW: NWSWD Weapons Free Workplace Policy
Attachments: Weapon Free Workplace Policy BK DRAFT.doc

Ok, so I spoke with Barry Kade this morning about this, sent him over the policy and his response is below and well as what revisions he suggests attached. Though briefly viewed I have not deciphered the whole..but will. If it is agreed that we will not be presenting close to what we discussed last night we'll definitely have to have another meeting. Or take both to the full board to see what they think? Once reviewed could you give me your opinion please. Don't believe that he addressed my question about email discussion but for determining whether a meeting is needed believe we are ok....

Thx
Pam

From: Barry Kade <barrykade@hush.com>
Sent: Wednesday, March 30, 2022 4:08 PM
To: manager nswd.org <manager@nswd.org>
Cc: manager@nswd.org; barrykade@hush.com
Subject: Re: NWSWD Weapons Free Workplace Policy

Pam see attached. I think pro-actively dealing with conflict could be more productive than attempting to eliminate weapons, especially when dealing with a possible situation where an employee goes home angry and it stews overnight, returning the next day to "go postal." I suggest a policy to bring matters of potential conflict to the attention of the ED, with means to mediate disputes. "Guns don't kill people. People with loaded guns kill people." And nothing seems to get people (myself included) riled up as much as stupid ass bureaucratic prohibitions.

The draft as received is as draconian as the signs at our State prisons. Lighten up folks.

Disclosure: My EDC is an Opinel, which you will have to pry from my cold dead hands.



The security at our liberty protecting courts usually require me to leave my P38 can opener at the front desk. It measures 1.5"x 3/4". Googling "p38 can opener as weapon" and "has a p38 can opener ever been used in an assault" both yield nothing relevant at all.

meeting is next Wednesday, package will come out on Friday or Monday. Anyway does that constitute a meeting even though there is no real vote just an agreement to send it to the full board ?

Thx

Pam

Pamela J. Bolster

NW VT Solid Waste Management District

manager@nswd.org

Office: 802-524-5986 ext 13

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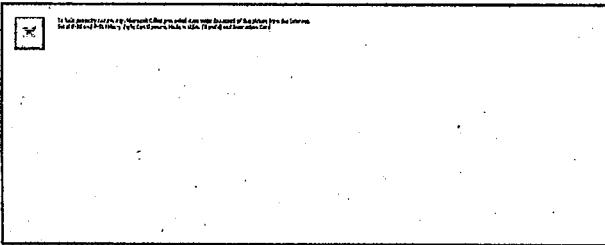
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Barry Kade, BAMN

On 3/30/2022 at 12:12 PM, "manager [nswd.org](mailto:manager@nswd.org)" <manager@nswd.org> wrote:

Hi Barry,

As discussed, please review and comment, policy is attached.

My second question is – can the admin comm meet via email just to discuss any additional comments you may have in order to be able to present this to the full board next week. By the way, the full board

manager nswd.org

From: Barry Kade <barrykade@hush.com>
Sent: Thursday, March 31, 2022 11:17 AM
To: manager nswd.org
Cc: David Clark; Jaime Tibbits; cjmicheli@comcast.net; barrykade@hush.com
Subject: RE: Shame on me: Re weapons policy

The draft policy affects the liberty of our employees is what I wrote. It does not prohibit a customer from open or concealed carry of a weapon of any sort. My preferred one liner does. However, if the property is not under our control, as with the satellite drop-off centers. I don't think we can tell customers what they can have with them. We can prohibit them from using our services. I suppose we could ask the legislative body to authorize a no weapons policy on their property during our hours of operation? But if a customer showed up on a Saturday morning open carrying a pistol, I would not want to be the one informing them of the policy and ordering them to leave or at least, to get out of line.

Barry

On 3/31/2022 at 10:53 AM, "manager nswd.org" <manager@nswd.org> wrote:

Not only our employees but the customers who visit our site. Don't know if I thoroughly reminded you of the situation that created this when we spoke yesterday. Employee wore his gun to the north hero site, customer and his family were uncomfortable and called John. In discussing with the employee the situation he stated with no specifics that he felt uncomfortable without his gun on the site. NWSWD felt it was poor judgement for him not to speak with us prior to making that decision. He of course reminded us that there is nothing in our policy prohibiting him from doing so Employee made the decision to resign his position.

Just so you are clear what prompted this.

Much of the language taken for our policy is from Chittenden Solid Waste, Some from VLCT recommendations, tailored to fit our operations.

I've shared your feedback with the committee and will share this suggestion too.

Thank you,

manager nswd.org

From: Barry Kade <barrykade@hush.com>
Sent: Thursday, March 31, 2022 10:23 AM
To: manager nswd.org
Subject: Shame on me: Re weapons policy

Pam,

Since the policy is for the purpose of protecting our employees and effects their liberty, perhaps it would be proper to have them give input prior to adoption. It may be that they would prefer a one liner, like "No firearms or other items designed as weapons in the building."

Just say "no" to metal detectors.

Barry

* * * * *

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IT response after
viewing OK comment

manager nswd.org

From: Jaime Tibbits <jrtjrt@gmail.com>
Sent: Wednesday, March 30, 2022 6:59 PM
To: manager nswd.org
Cc: David Clark; cjmicheli@comcast.net
Subject: Re: FW: NWSWD Weapons Free Workplace Policy

I think some clarity on pocket knives or an exclusion of knives is a good compromise at this stage. I feel we have included exceptions that are reasonable and recognize personal pursuits and liberties while balancing the safety of employees and residents who use our facilities. I am comfortable going to the full board and acknowledging that language around knives is still needed to include tools required for the workplace.

Jaime

On Wed, Mar 30, 2022 at 4:30 PM manager nswd.org <manager@nswd.org> wrote:

Ok, so I spoke with Barry Kade this morning about this, sent him over the policy and his response is below and well as what revisions he suggests attached. Though briefly viewed I have not deciphered the whole, but will. If it is agreed that we will not be presenting close to what we discussed last night we'll definitely have to have another meeting. Or take both to the full board to see what they think? Once reviewed could you give me your opinion please. Don't believe that he addressed my question about email discussion but for determining whether a meeting is needed believe we are ok....

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