The Common Council of the City of Glasgow, KY met in a Special Called Meeting on Monday, the 18th day of June, 2012 at 4:00 p.m. in the Council Chambers at City Hall, 126 East Public Square, Glasgow, Kentucky with the following Waiver of Notice being filed:

WE THE UNDERSIGNED, being the Mayor and members of the Common Council of the City of Glasgow, Kentucky do hereby acknowledge that notice has been given us of the fact that there will be a Special Called Meeting of the Common Council to be held in the Council Chambers in Glasgow, Kentucky on Monday, the 18th day of June, 2012 at 4:00 P.M.

Said meeting is called by the Mayor and formal written notice of said meeting is called for the purpose of: conducting a firefighter disciplinary hearing pursuant to KRS 95.450.

/s/ Rhonda Trautman, Mayor  /s/ Ben Rogers, City Attorney  /s/ Tommie Birge, City Clerk

/s/ Harold Armstrong  /s/ Brad Groce  /s/ Wendell Honeycutt
/s/ Doug Isenberg  /s/ Jim Marion  /s/ James Neal
/s/ Freddie Norris  /s/ William Webb  /s/ Linda Wells
/s/ Marlin Witcher

Council Member Stacy Norman Hammer recused herself from the hearing.

Mayor Trautman called the meeting to order.

Mayor Trautman entertained a motion to go into closed session pursuant to KRS 61.810 (1)(f).

MOTION was made by Council Member Marion for closed session
SECOND was by Council Member Armstrong
VOTE unanimous approval of the Council present

Motion was made for Council to return to open session
MOTION was made by Council Member Marion to return to open session
SECOND was by Council Member Witcher
VOTE unanimous approval of the Council present

ACTION TAKEN:

FINDINGS OF FACT

The Glasgow City Council determined the facts have been proven in an administrative hearing on a disciplinary complaint filed by the Complainant, Tony Atwood, Glasgow Fire Chief, against the Respondent, Roger Hampton, which took place on May 3, 2012.

The Glasgow City Council verified complaints alleges violations under Count I, II, V and VI.

A. COUNT I – FAILURE TO NOTIFY SUPERVISOR OF WORK RELATED INJURY

The foregoing statement of facts constitutes Failure to Notify Supervisor of a Work Related Injury in violation of Section 5-5.6 of the Glasgow City Code and 106-1 and A-9 of the Glasgow Fire Department Standard Operating Procedure, which states as follows:

1. Section 5-5.6 of the Glasgow City Code – Reporting Procedures – Supervisors are responsible for the completion of the Employer’s First Report of Injury form for every work-related injury requiring medical attention by the end of the shift on which the injury occurred, or was indentified in the case of repetitive stress injuries or exposure illnesses or injuries. This form must be completed and forwarded to the Personnel Director within forty-eight (48) hours of the injury.

2. Section 106-1 of the Glasgow Fire Department Standard Operating Procedure – Reporting Injuries - All injuries incurred while on duty shall be reported to the injured employee’s immediate supervisor without delay and the immediate supervisor shall
report the same to the Office of Administration; a supervisor’s duty investigation report will need to be filled out and signed by the injured employee and the supervisor within 24 hours after the injury, and turned into the Administrative office.

3. **Section A-9 of the Glasgow Fire Department Standard Operating Procedure – Rules and Regulations** – Report promptly and accurately to his/her immediate supervisor any accident, sickness, or injury occurring while on duty or involving city property or personnel.

   a. **On Count I - FAILURE TO NOTIFY SUPERVISOR OF WORK RELATED INJURY** - the Respondent, Roger Hampton was found guilty by Voice Vote of the Council on the Finding of Fact which states the following:

      1. On or about April 20, 2012, when the Respondent did fail to notify immediate supervisor that he fell and was injured while fighting a fire in the City of Glasgow in violation of the Glasgow City Code section 5-5.6 and Glasgow Fire Department Standard Operating Procedure 106-1 and A – 9.

   **VOTE WAS BY VOICE VOTE AS TO A GUILTY VERDICT ON COUNT I**

   Yes – 9  
   No – 2  
   AB – 0

   On Count I of the Disciplinary Notice for failure to notify his supervisor of a work related injury, pursuant to KRS 95.450 (6), the legislative body fixed punishment for Respondent as one (1) week suspended with pay.

**B. COUNT II – CONDUCT UNBECOMING / USE OF ABUSIVE OR OBSCENE LANGUAGE**

The foregoing statement of facts constitutes Conduct Unbecoming / Use of Abusive or Obscene Language of a City Employee in violation of Section 7-1.3(l) of the Glasgow Personnel Policies and Procedure Manual which states as follows:

   1. **Section 7-1.3(l) – Grounds for Disciplinary Action** - Immoral, indecent, notoriously disgraceful conduct, or conduct unbecoming of a City employee; use of disrespectful or offensive conduct or language in public, or toward the public, City officials, or fellow employees, either on or off duty; or use of insulting, abusing, or obscene language.

   a. **On Count II - CONDUCT UNBECOMING / USE OF ABUSIVE OR OBSCENE LANGUAGE** - the Respondent, Roger Hampton was found guilty by Voice Vote of the Council on the Finding of Fact which states the following:

      1. On or about April 23, 2012 when the Respondent directed loud and offensive language toward fellow Glasgow fireman Wade Wyatt within the living quarters at the Glasgow Fire Department in violation of Glasgow Personnel Policies and Procedure Manual section 7-1.3 (l).

   **VOTE WAS BY VOICE VOTE AS TO A GUILTY VERDICT ON COUNT II**

   Yes – 11  
   No – 0  
   AB – 0

   On Count II of the Disciplinary Notice for engaging in conduct unbecoming a City employee, use of disrespectful or offensive conduct toward a fellow employee on duty, and use of insulting, abusive or obscene language, pursuant to KRS 95.450 (6), the legislative body fixed punishment Respondent as two (2) weeks not in charge of either station and no shift swap with an officer.
C. COUNT III – DISHONESTY, FALSIFICATION, MISSTATEMENT OR CONCEALMENT

The foregoing statement of facts constitutes Dishonesty, Falsification, Misstatement or Concealment of a City Employee in violation of Section 7-1.3(n) of the Glasgow Personnel Policies and Procedure Manual and Sections 18 and 19 of the Glasgow Fire Department Standard Operating Procedure which states as follows:

1. Section 7-1.3 (n) of the Glasgow Personnel Policies and Procedure Manual – Dishonesty, falsification, misstatement, exaggeration, or concealment of material facts in connection with employment, promotion, any record, investigation, or other proper proceeding; or falsification of vouchers, payroll records, timesheets, reports, insurance claims, attendance records, leave records, or other official records.

2. Section 18 of the Glasgow Fire Department Standard Operating Procedure – Be cooperative in the conduct of the departmental investigations.


   a. On Count III – DISHONESTY, FALSIFICATION, MISSTATEMENT OR CONCEALMENT – the Respondent, Roger Hampton was found not guilty by Voice Vote of the Council on the Finding of Fact which states the following:

      1. On or about May 1, 2012, when, being aware that a mandatory drug test had disclosed the bodily presence of controlled substances the Respondent told his supervisor that he had obtained the controlled substance from his wife and then the following day told his supervisor that he had obtained the controlled substance as a prescription medication from a pharmacy by prescription issued by a physician in violation of Glasgow Personnel Policies and Procedure Manual 7-1.3(n) and Glasgow Fire Department Standard Operating Procedure sections 18 and 19.

VOTE WAS BY VOICE VOTE AS TO A NOT GUILTY VERDICT ON COUNT III

Yes – 10
No – 1
AB - 0

D. COUNT IV – DISHONESTY, FALSIFICATION, MISSTATEMENT OR CONCEALMENT

The foregoing statement of facts constitutes Dishonesty, Falsification, Misstatement or Concealment of a City Employee in violation of Section 7-1.3(n) of the Glasgow Personnel Policies and Procedure Manual and Sections 18 and 19 of the Glasgow Fire Department Standard Operating Procedure which states as follows:

1. Section 7-1.3 (n) of the Glasgow Personnel Policies and Procedure Manual – Dishonesty, falsification, misstatement, exaggeration, or concealment of material facts in connection with employment, promotion, any record, investigation, or other proper proceeding; or falsification of vouchers, payroll records, timesheets, reports, insurance claims, attendance records, leave records, or other official records.

2. Section 18 of the Glasgow Fire Department Standard Operating Procedure – Be cooperative in the conduct of the departmental investigations.


   a. On Count IV – DISHONESTY, FALSIFICATION, MISSTATEMENT OR CONCEALMENT – the Respondent, Roger Hampton was found not guilty by Voice Vote of the Council on the Finding of Fact which states the following:
1. On or about May 2, 2012, when the Respondent told his
supervisor that he did not obtain the controlled substances from
his wife but in fact found them in a drawer in violation of
Glasgow Personnel Policies and Procedure Manual 7-1.3(n)
and Glasgow Fire Department Standard Operating Procedure
sections 18 and 19.

VOTE WAS BY VOICE VOTE AS TO A NOT GUILTY VERDICT ON COUNT IV

Yes – 10  No – 1  AB – 0

E. COUNT V – FAILURE TO NOTIFY OF PRESCRIPTION MEDICATION

The foregoing statement of facts constitutes Failure to Notify of Prescription Medication of a
City Employee in violation of the Section 6-6.10 of the Glasgow Personnel Policies and
Procedure Manual and 38.03(B)(7) of the Glasgow City Ordinance which states as follows:

Prescription Medication – If a City employee has been prescribed medication by his
doctor that alters physical or mental ability, the City employee must notify his
supervisor, in writing, immediately upon being prescribed the medication, who shall
determine whether temporary job reassignment / medical leave is warranted until the
treatment is finished. The supervisor shall place the employee’s written notification
in the employee’s personnel file located in the Personnel Office and shall also record,
in writing, the determination made as to temporary job reassignment / medical leave.
Unless this notification procedure is followed by the employee, if a drug test is
performed and is positive for the presence of prescription medications, such positive
results shall be considered a policy violation and shall constitute grounds for
immediate termination.

2. Section 38.03 (B)(7) of the Glasgow City Ordinance - If a city employee has been
prescribed medication by his or her doctor that alters physical or mental ability, the
city employee must notify his or her supervisor in writing, immediately upon being
prescribed the medication, who shall determine whether temporary job
reassignment/medical leave is warranted until the treatment is finished. The
supervisor shall place the employee's written notification in his or her personnel file
and shall also record, in writing, the determination made as to temporary job
reassignment/medical leave. Unless this notification procedure is followed by the
employee, if a drug test is performed and is positive for the presence of prescription
medications, such positive results shall be considered a policy violation and shall
constitute grounds for immediate termination.

a. On Count V – FAILURE TO NOTIFY OF PRESCRIPTION MEDICATION-
the Respondent, Roger Hampton was found guilty by Voice Vote of the
Council on the Finding of Fact which states the following:

1. On or about April 23, 2012, a drug test was performed which
was positive for the presence of prescription medications in
violation of Glasgow Personnel Policies and Procedure manual
section 6-6.10 and Glasgow City Ordinance 38.03 (B)(7).

VOTE WAS BY VOICE VOTE AS TO A GUILTY VERDICT ON COUNT V

Yes – 11  No – 0  AB – 0

On Count V of the Disciplinary Notice for failure to notify of prescription medication,
pursuant to KRS 95.450 (6), the legislative body fixed punishment for Respondent as six
(6) months suspension without pay.
F. COUNT VI – POSITIVE DRUG SCREEN IN CONJUNCTION WITH FAILURE TO REPORT

The foregoing statement of facts constitutes Positive Drug Screen in Conjunction with Failure to Report of a City Employee in violation of the Section 6-6.10 of the Glasgow Personnel Policies and Procedure Manual and 38.03(B)(7) of the Glasgow City Ordinance which states as follows:

1. Section 6-6.10 of the Glasgow Personnel Policies and Procedure Manual – Prescription Medication – If a City employee has been prescribed medication by his doctor that alters physical or mental ability, the City employee must notify his supervisor, in writing, immediately upon being prescribed the medication, who shall determine whether temporary job reassignment / medical leave is warranted until the treatment is finished. The supervisor shall place the employee’s written notification in the employee’s personnel file located in the Personnel Office and shall also record, in writing, the determination made as to temporary job reassignment / medical leave. Unless this notification procedure is followed by the employee, if a drug test is performed and is positive for the presence of prescription medications, such positive results shall be considered a policy violation and shall constitute grounds for immediate termination.

2. Section 38.03 (B)(7) of the Glasgow City Ordinance - If a city employee has been prescribed medication by his or her doctor that alters physical or mental ability, the city employee must notify his or her supervisor in writing, immediately upon being prescribed the medication, who shall determine whether temporary job reassignment/medical leave is warranted until the treatment is finished. The supervisor shall place the employee's written notification in his or her personnel file and shall also record, in writing, the determination made as to temporary job reassignment/medical leave. Unless this notification procedure is followed by the employee, if a drug test is performed and is positive for the presence of prescription medications, such positive results shall be considered a policy violation and shall constitute grounds for immediate termination.

a. On Count VI – POSITIVE DRUG SCREEN IN CONJUNCTION WITH FAILURE TO REPORT – the Respondent, Roger Hampton was found guilty by Voice Vote of the Council on the Finding of Fact which states the following:

1. On or about April 23, 2012, a drug test was performed which was positive for the presence of prescription medications in violation of Glasgow Personnel Policies and Procedure Manual 6-6.10 and Glasgow City Ordinance 38.03 (B)(7).

VOTE WAS BY VOICE VOTE AS TO A GUILTY VERDICT ON COUNT VI

Yes – 11
No – 0
AB – 0

On Count VI of the Disciplinary Notice for positive drug screen in conjunction with failure to report, pursuant to KRS 95.450 (6), the legislative body fixed punishment for Respondent as termination.

The votes in this transcript of findings are hereby recorded and certified by Tommie S. Birge, City Clerk for the City of Glasgow, Kentucky.

There being no further business to come before Council, Council Member Smith made motion for adjournment, Armstrong seconded.

ATTEST:

RHONDA RIERD TRAUTMAN, MAYOR

TOMMIE S. BIRGE, CITY CLERK