

**Hazen City Commission
Special Meeting
September 24, 2018
Hazen City Hall**

Present: President Obenauer, Commissioner Haack, Commissioner Pillar, Commissioner Stern and Commissioner Wolf.

Others Present: Robert Gobar, Peg Rahn, Auditor Erhardt, Jim Wolff, Tony Melberg.

The meeting was called to order at 7:00 PM by President Obenauer.

President Obenauer led the Pledge of Allegiance.

HEARING ON EMPLOYEE DISCIPLINE

President Obenauer opened the hearing on the proposed dismissal of Robert Gobar. Attorney Donovan explained that the whole purpose for the hearing was for the commission to hear information about the charges before Mr. Gobar and provide a setting for Mr. Gobar to address the charges which include; is offensive in his conduct, uses abusive language in public or toward the public, city officials or fellow employees; refuses or fails to follow direct orders of a supervisor; and displays conduct unbecoming a municipal employee. Attorney Donovan said the hearing would be handled in a quasi-judicial manner with him asking questions city staff and Mr. Gobar having the chance to ask questions, as well as the commission to ask questions. Attorney Donovan then reviewed the historical information and the relevant employee policy provisions that led to the motion to dismiss Mr. Gobar. Attorney Donovan said the motion to recommend dismissal was made at the September 17th regular meeting and there has been previous disciplinary actions.

Attorney Donovan first asked Peg Rahn to answer questions. Ms. Rahn explained her role as the lead driver and supervisor for the City of Hazen busing program for the past eight to nine years. Ms. Rahn also explained that she is responsible for ensuring the buses are in safe operating condition, schedules drivers and various transit events, assists in the preparation of reports relating to bus grants, and ensures the buses, and facility, are kept clean. Ms. Rahn was not certain when Mr. Gobar was hired and stated there are no issues with Mr. Gobar's driving, only that he refuses to complete tasks as they are assigned. Ms. Rahn said that, at one time, another employee provided a tape recorder to her to record conversations. Ms. Rahn stated there have been no lengthy absences and that Mr. Gobar reports to work on time. Ms. Rahn explained that all the drivers are asked to complete the same tasks. When asked, Ms. Rahn stated are, and have been, issues with passengers and comments Mr. Gobar is alleged to have made about one passenger being a "nuisance" and making another passenger cry. Ms. Rahn said he resists doing tasks assigned by her and makes excuses as to why he doesn't have to do them. Regarding recent incidents, Ms. Rahn stated a new driver was hired and the routes were being redone and Mr. Gobar, having the smaller route, would be driving a different vehicle. Ms. Rahn said she informed Mr. Gobar of the changes on Friday, September 7th, but when he reported to work on Monday, September 10th and saw the other driver at the bus he normally drives, he became mad and

began hollering at Ms. Rahn and using profanity. The other two drivers went outside of the bus facility. A staff meeting was to be held on Monday but not all the drivers were available, so it was to be rescheduled. Monte Erhardt was not aware of the need to cancel the meeting and was present when Mr. Gobar returned from the morning route. Mr. Erhardt, Ms. Rahn and Mr. Gobar met for a time and Ms. Rahn described the meeting as an unsettling discussion and Mr. Gobar always justifying his action. Commissioner Stern asked about recordings of the incidents at the bus facility and he was informed that there are recordings but there is no audio in the garage, only the lobby. Commissioner Stern then asked if the video had been reviewed and President Obenauer and Commissioner Wolf stated they had not viewed them. Mr. Gobar stated he would rebut the comment about the lady being a "nuisance" and said he has heard complaints about another driver from this same individual. Mr. Gobar also asked if he had a conversation with Ms. Rahn about visual problems when crossing the highway on 3rd Avenue NW and Ms. Rahn said yes. Mr. Gobar said the 2017 bus is not "maxed" out with passengers and asked if anyone was overlooked. Mr. Gobar stated his first thing is transporting safely and because of visibility issue he was concerned about accidents at that intersection. Mr. Gobar explained that when discussing his voice will elevate but he is not yelling. Attorney Donovan asked Ms. Rahn if there are visibility issues with the bus and Ms. Rahn stated all the drivers have some visibility issues with the vehicle but, the job can be completed safely if done with care. Commissioner Haack asked if Auditor Erhardt had been at the meeting and it was determined that Auditor Erhardt was not at the discussion on Friday but was at the meeting on Monday morning. Ms. Rahn stated that Mr. Erhardt was contacted after the incident Monday morning and Mr. Gobar stated that there was a scheduled meeting for the drivers at 8:30 that morning but one driver couldn't stay so the meeting was not held. Attorney Donovan asked if this was the case and Ms. Rahn stated that it was, she was not aware of another appointment the driver had so the meeting with all drivers was not held. Attorney Donovan next asked Auditor Erhardt to answer some questions. Auditor Erhardt explained that he is responsible to oversee the financial records of the city, human resources and the transit program. Auditor Erhardt explained that the transit program must follow federal, state and local policies. Auditor Erhardt is the direct supervisor for Ms. Rahn and works with her to complete grant reports, ensure major vehicle repairs are approved and scheduled and to assist with employee/public issues. Auditor Erhardt agreed with the issues presented by Ms. Rahn and stated that Mr. Gobar has come to him with issues that he tries to address. Auditor Erhardt explained that he attempts to investigate of all concerns brought to him. Auditor Erhardt explained that Mr. Gobar has been disciplined at various levels, from oral and written reprimands to suspension without pay and that discipline is carried out by Auditor Erhardt in consultation with Commissioner Wolf. Auditor Erhardt explained that disciplinary action has been intermittent with formal action in 2014, 2015, 2016 & 2018. When asked about Mr. Gobar's conduct after disciplinary action, Auditor Erhardt stated the conduct changes for a time but then reverts to the way it was. Auditor Erhardt said that Mr. Gobar was asked to complete courses to help him with disciplinary issues but that courses relevant to the issue were hard to find so Mr. Gobar completed a course on managing negativity. Auditor Erhardt said that Mr. Gobar had talked to him about the visibility issues of the bus but felt that, if cautious, the public can be safely transported, and the bus does meet department of transportation specifications. Erhardt

addressed concerns brought to him directly such as, invasive questions to passengers and concerns brought to him by the baseball team. Mr. Gobar said he is only trying to have a conversation with passengers and does not intend to be intrusive. As to the baseball team, Mr. Gobar said he meant no disrespect and that he was only trying to gather more knowledge about the sport through his conversations. Attorney Donovan asked if Auditor Erhardt supported the commission's decision to terminate Mr. Gobar and Auditor Erhardt indicated he did support it. Mr. Gobar had no questions but stated that he doesn't feel Auditor Erhardt fully investigate issues when brought by Mr. Gobar and that everyone simply takes the word of Ms. Rahn about complaints. Auditor Erhardt stated Mr. Gobar was correct about the planned meeting on September 10th.

Attorney Donovan asked Commissioner Wolf to answer questions. Commissioner Wolf explained that she has held the busing portfolio since her election in 2012 and that she is not directly involved in all disciplinary actions but, only those that raised to a higher level. Commissioner Wolf confirmed that disciplinary action is taken by her and Auditor Erhardt, with little involvement from Ms. Rahn. Commissioner Wolf explained that the motion to dismiss Mr. Gobar was a culmination of events and incidents. Commissioner Wolf said she is not directly involved in investigating concerns but, relies on information from Auditor Erhardt and Ms. Rahn as she has not received direct complaints from the public. Mr. Gobar said, that by her own statement, Commissioner Wolf has never investigated complaint and Commissioner Wolf said she has never gone to the public about complaints she has received. Mr. Gobar then asked if he had brought complaints to Commissioner Wolf and she stated she did not appreciate Mr. Gobar bringing complaints to her place of work as she would meet with him anytime. Mr. Gobar stated he did not know how else to contact Commissioner Wolf and stated that President Obenauer advised him to contact Commissioner Wolf at her employment because the busing portfolio is her responsibility. President Obenauer did not recall telling Mr. Gobar to go to Commissioner Wolf job but, to contact her before bringing issues to him.

This concluded the city's presentation of information.

Mr. Gobar stated that the primary incident, in question, did happen and he took the situation personally. Mr. Gobar explained that he was transporting a passenger when another vehicle passed him unsafely, in his opinion. Mr. Gobar said he followed the individual and wished to have a conversation about the incident. Mr. Gobar said he had time after confronting the individual and did contact the employer who informed Mr. Gobar, later, that the person had been discharged. Attorney Donovan asked if Mr. Gobar agreed that there has been a history of disciplinary actions. Mr. Gobar spoke about going through a series of learning experiences and then talked about complaints about his not wearing his seatbelt and failure of other drivers not wearing their seatbelt not being belted. Mr. Gobar said he has a complaint about Ms. Rahn having a double standard that he is held to. Attorney Donovan asked if Mr. Gobar would be able to respect the authority of Ms. Rahn and he stated at this point, because of the double standard, no. Attorney Donovan asked if Mr. Gobar would ever show respect to the supervisor and he referred to a former driver and his complaint about a bus not being washed and how Ms. Rahn had a chance to exert her authority but wouldn't when the complaint was about a female driver. Attorney Donovan asked if Mr. Gobar thought Auditor Erhardt was applying the same double standard and Mr. Gobar spoke about a policy relating to cleaning of vehicles being re-

written by Auditor Erhardt. Attorney Donovan asked if Mr. Gobar was aware if he had been disciplined for not washing buses and he stated not that he was aware of. Attorney Donovan said the hearing is not related to bus washing or Ms. Rahn and Mr. Gobar said that the matter boils down to Ms. Rahn's lack of leadership. Attorney Donovan asked Mr. Gobar was accusing Commissioner Wolf of failing to be a leader and Mr. Gobar said he was not aware of responsibilities of Commissioner Wolf and what the parameters of what Commissioner Wolf can, or cannot, do on these matters. Commissioner Stern asked about the problems being brought up in previous years there must have been written letters and Mr. Gobar said he was aware of a letter in 2016. Mr. Gobar explained the situation relating to the problem with a child on the route and after routes were changed Mr. Gobar is not aware if other drivers had similar issues. Commissioner Stern asked Mr. Gobar if he has ever called Ms. Rahn names that are not respectful, and Mr. Gobar said he is sure he said something in a moment of anger, and she has said things, she "pushes his buttons." Commissioner Pillar asked if Mr. Gobar thought it is appropriate to use this type of attitude and language with a supervisor. Mr. Gobar stated that Ms. Rahn has not earned his respect, and if a person acts in a manner not worthy of respect and Ms. Rahn had many opportunities to earn respect but failed every time. Commissioner Pillar then wanted to clarify that if the respect is not earned there are no rules on how the person is to be treated and Mr. Gobar stated he was treating them with as much respect as they treat him. Mr. Gobar then stated the complaint by the lady with the broken shoulder is a flat-out lie and that he has received complaints about the driver not assisting her in entering, or exiting, the vehicle and seatbelts. President Obenauer asked if that complaint had been relayed to Ms. Rahn and Mr. Gobar indicated it had not.

The hearing was closed at 8:03 PM CT.

Attorney Donovan said the action by the commission is to uphold the recommended dismissal or modify the action. Commissioner Wolf moved to uphold the termination of Robert Gobar, as approved at the September 17th meeting, second by Commissioner Pillar. On roll call vote; Wolf, "Aye", Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 8:05 PM CT.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor