

HARDIN COUNTY FISCAL COURT

REGULAR MEETING

JULY 11, 2017

Judge/Executive Harry L. Berry called the Hardin County Fiscal Court meeting to order and requested a roll call vote. Voting: Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Boone yes.

Squire Easter gave the invocation.

Squire Boone led the court in the Pledge of Allegiance.

Department/Office Reports Presentations:

Jennifer Oldham – County Attorney’s Office 2016 Review

Wesley Wright – Planning & Development

Vicki Meredith – Engineering Department

Ronnie Goodman – Road Department

Written Reports:

Animal Control

Emergency Management

Landfill

Public Concerns and Comments:

Judge Berry announced the item relating to the EMS Director will be discussed at the end of the meeting. He asked for any other items for the Fiscal Court to address.

Natalie Williams came forward. Judge Berry recognized her from a month ago. He advised her the Fiscal Court is not the forum to discuss the Library. Ms. Williams said it was not completely about that. Ms. Williams started reading about her topic. Judge Berry told her we’ve got the gist of what you trying to present to us and I have mentioned before this is not the correct forum. This body has nothing to do with the Judicial System. We are not the custodian of these records.

Ordinances, Agreements, Resolutions

King moved and Thompson seconded to approve **Resolution No. 2017-103** relating to the 2017/2018 Animal Care and Control Spay/Neuter grant application. Voting: Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Boone yes, Clem yes.

Thompson moved and Wiseman seconded to approve **Resolution No. 2017-108** relating to the Kentucky Emergency Management Special Funds grant applications. Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Boone yes, Clem yes, Wiseman yes.

Clem moved and Goodman seconded to approve the **Consent Agenda** to include: Jun Claims Utilities 6.2017, Jun Recurring Claims 6.2017, Jul Claims 7.11.17, **Resolution No. 2017-107** regarding financial transfers, **Resolution No. 2017-103** regarding Animal Care and Control

personnel, **Resolution No. 2017-104** regarding EMS personnel, approve Public Works Committee 7/5/17 minutes, approve Fiscal Court 6/27/17 minutes. Voting: Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Boone yes, Clem yes, Wiseman yes, Thompson yes.

Magistrates Comments:

Squire Wiseman – The Hardin County Fair is going on this week. Go see what they have to offer.

Squire Thompson – The fair is fun. I've been there.

Squire King – We have a Resources and Community Support Committee meeting next Tuesday July 18, 2017 at 3:30. Our insurance analyst is going to be back with us for some more discussions. You are welcome to attend.

Squire Boone – Please come out to the Hardin County Fair. I'm pleased to announce my daughter was crowned Miss Hardin County Fair.

Squire Clem reminded the court of a Solid Waste Committee meeting Monday July 17, 2017 at 3:30 pm.

Open Discussion requested by EMS Director John Malcomson

Regarding recommendation to terminate his employment.

Judge Berry said he would begin today with a brief statement regarding his decision and then John Malcomson will be given time to express his views and share information he desires in Fiscal Court.

Mr. Malcomson requested this discussion to occur in open session, as it is his right to do so. On June 22 2017 at 2:00 p.m. I suspended John Malcomson from work as Director of Hardin County EMS. This decision was effective immediately pending fiscal courts ratification of my decision to terminate his employment from Hardin County Government today. Today my loss of confidence in Mr. Malcomson's ability to satisfactorily lead our EMS is the primary reason for my decision. In an incidence of misbehavior and inappropriate activities within the department are too common. Morale in the department is very low and employee turnover is extremely high and has doubled in the first six months of this year. It will be said that the lack of financial resources is the cause of declining morale and employee turnover, but the county's routine annual step increases to employees pay plus annual cost of living increase added to those step increases. The compensation for County Employees has not deteriorated the last few years. However, employee turnover in our EMS has drastically increased. Mr. Malcomson's focus on the operations and business of the department is lacking. His availability is limited and unpredictable. He routinely misses meetings and fails to meet suspense's, demonstrates serious mood swings and is too frequently disrespectful in his tone and demeanor toward both his superiors and subordinates. Therefore, today I am asking the members of the fiscal court to ratify my decision to terminate John Malcomson's employment with Hardin County Government effective today.

Judge Berry stated Mr. Malcomson if you would like to address fiscal court on this matter please come forward to do so now. We certainly want you to take ample time to share your thoughts, comments and information with us. We do not want you to be unduly restricted by time. However,

I must ask if there are others you would like to have to speak on your behalf that they keep their comments to a couple of minutes.

John Malcomson – I don't have anybody that I ask to speak for me, but if there is anyone that would like to, I would be happy if they did. First, I must say that I have shorts on today because it's been a while that I wore pants because my dress clothes don't fit. I have gained weight. First thing that I want to say is that requesting an open session is in no way disrespect to any of you. I requested this to defend myself, my reputation and integrity. I have an obligation to explain to the community why I disagree with what you are recommending respectfully. I would like to believe we have a system that works for everyone. I was told on June 22, 2017 that I was suspended without pay. I asked why, and I added that over the past year revenue has increased by more than \$30,000.00 this past year and spending is down. I was told that doesn't matter. It was the morale of the staff and the high turnover rate. No matter what other people may think, I've always had best interest for people that worked for me. I'm looking at people here that have had used EMS. In January I had to use EMS. I thought I was going to die. I would have given millions of dollars to save my life. Personnel is under paid; they can go to Hart County and make more. They could probably go to a Department Store and make what they make now. Everyone, they can't afford insurance. I looked at a survey that was done. Probably a couple people didn't like decisions I made. People come in and work twenty-four shifts and probably only get about three hours sleep. We have ambulances that have an excess of over 300,000 miles on them they break daily. The morale of the service may be diminished. The damage to the morale of my service was done while I was still in the hospital. I was in the hospital from January 18th till May 31ST, half of my foot was amputated. On one occasion the Current Human Resources Director and the Current Public Support person, who is now the Chief Emergency Services Officer in this County, and one of my supervisory staff came to my hospital room. I had just had half of my foot removed and I was taking a lot of pain medicines to make the days go by. I asked my wife to be there and she thought it was ridiculous that they would come to discuss work topics while I was still in the hospital. There was an intern director and I spent the next hour and half listening to those three people complain about the intern director and complain about the act of supervisor staff that was left back here managing the service. I know that the Deputy Judge's Office was aware that they were in my hospital room talking about topics like this. The supervisor told me that he was told to leave the room when they started talking about specific personnel matters. He ask me if I wanted him to leave the room and I told him no I didn't care if he stayed or what he did. The damage to my service occurred when I tried to get better pay and equipment. My direct boss, not you Judge Berry, makes it a habit of saying in front of my staff openly that Judge Berry is tired of spending money on EMS and he will put a for-sale sign out there in the front yard. How do you think that's going to make my staff feel? They give everything they have. They end up with problems. If they say that in a closed office somewhere that's not my business, if they say that in front of my staff and my boss says it, then it's my business. The morale is low because the people that they don't like are punished. The people they like get away with everything. Now you are going to say, "what do you mean" that is the most vague statement in the world. I will tell you exactly what I mean because I remember this day because it was my birthday. On July 19th I returned to work in a limited restricted basis as tolerated could return to work as all of you knew I was in a wheel chair and the first month or two I didn't have my voice yet due to a paralyzed vocal cord. On July 19th, I had a complaint from an interviewee a person who wanted a job at my place that said the supervisory staff and the HR Coordinator said that sexually suggestive comments to them in the interview. I

had a written statement that said this and it was thrown away because that person was part of their agenda. I probably have more respect for Judge Berry than he could imagine and all of you that stood by me. Since the position was created for my boss, the Chief of Emergency Services Officer over nine months ago, we've lost the 911 Director, Emergency Management Director, and the EM coordinator and now they are trying to recommend my termination. What does that tell you? That tells me a lot. I can promise you that Judge Berry did not hire or appoint three horrible people and it just happened those three people were horrible and we had to get rid of them later, I doubt that. I've seen the people that he puts in the positions that he does "the treasurer and things like that" and I know he does not operate like that. I was wrote up once for speaking up in a Department Director's meeting about the fact that they were changing policy and procedures and taking away my control to appoint my own supervisors without approval from my boss. If you read the rule, it was directed to two departments myself and 911. If I can't select someone who I want as a supervisor, what good am I? What good is my service? That did not happen until I appointed someone that they did not want appointed. I appointed Mike Benningfield who is the most qualified candidate. Since that moment, it has been nothing but downhill for me and my career. April 7, I was wrote up for not having the drug free roster turned in. I had an excess of forty people that had not done the test including myself. In 2015 there was eight people that hadn't completed the test. I had the employees watch a drug free video that refers you to Humana which we haven't had in a long time. That is all of my write-ups. I have never once been counseled by my direct supervisor on my performance or my duty or my job or my ability to maintain our income or my ability to handle situations in my department. I'm not going to discuss employees that was going to be recommended for termination and they quit. I will not apologize for any disciplinary action that I imposed. I cannot terminate anyone's employment only the Judge can do that. I have a real problem that one of my command staff told my employees that I was going to be fired the week before. One of the supervisors told the staff that that I was not going to be there anymore. In July I came back to work in a wheelchair, barely speak, I did not come back to do you a favor. I came back to do me a favor. I came back to prove that I could do it. That I could sit behind the desk and do that job. I had many Doctor's appointments and you knew that when you took me back. You welcomed me with opened arms. The first time that my boss asked me for a doctor's excuse was on May 24, 2017. I produced a doctor's excuse that day saying that I had actually hurt my back and had nothing to do with my heart. This is probably the most disturbing thing to me and my family because on May 30, 2017, I was requested, by my boss Bryce, to get a work excuse that said that I had no restrictions and that I could return to work with no restrictions. I said I don't know if my cardiologist surgeon will do that just because he knows I have a lot of doctor appointments. I still do physical therapy but I said I would ask my surgeon. I did get a release from the surgeon with no restrictions on May 30, 2017. I did get another release on June 17, 2017 because I did have an infection in my amputation. On June 22, 2017, I'm suspended. On July 11, 2017, I am sitting here in front of you begging you for my job. Do you realize what a person like me without insurance can do? Help me save my job. I put you all here. I vote. I'm not just an employee, I'm a taxpayer. I would hope that the system works for all of us not just the select few. Was I a perfect EMS Director? No, I don't think anybody is but I tried my very best. I'm here defending my job. I was told by Human Resource that I could get Cobra. By Federal law you have to give me Cobra. I can't afford \$1,300.00 for insurance. I can't change the oil in my car, but I know how to run an ambulance service. When it goes for a vote please consider me keeping my job. I made decisions that did not make the Deputy Judge's office happy. I wanted to stand here in front of you. I know you can vote to keep me but I know that the Judge can still fire me. I didn't

resign and I won't resign. I owe it to my four year old daughter and my twenty-four year old son. I wanted a chance to come before you. No matter what you do to me you have to do something for this ambulance service. You need not sell. Take care of people, they are scared. They will not come here and speak. Think about the person you put up here on August 27, 2014. Thank you.

Judge Berry asked if anyone else in the audience who would like to speak:

Frank Donehoo came forward to speak on behalf of John Malcomson. He said he was a resident of Vine Grove and Constable in District 8. I met John and his wife when they moved to Vine Grove. I can say John is a most passionate director and he's an outstanding motivator. He has a way to motivate. You are doing a disservice to this county if you don't reinstate him. With John as your director they will receive the best possible care. Please reinstate.

Doug Finlay came forward to speak on behalf of John Malcomson. I am supporting John. John is a good guy. He has put his heart and soul into this job. John has the best attitude for the citizens of Hardin County. Please reinstate him.

Judge Berry – Is there anyone else or anyone that has any questions? Okay let's move on to item VIII, **Resolution No. 2017-106** recommending termination of employment for EMS Director, John Malcomson.

Judge Berry stated: after the comments made over the last half-hour we owe it to the folks at home for a few things that was said that concerned me. We learned over the last several weeks, months regarding performance. Some of it having to do with the director itself things like extended periods of non-work-related internet surfing on a routine basis while at work, non-related Facebook posting during work hours, working on another job as a motivator speaker, including research and preparing presentations during work hours, watching movies and other entertainment during work hours, spending nights in the office using it like a hotel room, directing on-duty employees to obtain blankets and pillows from Hardin Memorial Hospital to bring to him to accommodate him spending the night in the office, utilizing Hardin County EMS as his personal taxi service to and from work or personal appointments directing EMS employees to change these dressings, utilizing Hardin County EMS supplies, outbursts and combative behavior with superiors and subordinates, harsh and threatening interaction with employees incidents of misbehavior and inappropriate activity, during his tenure on his watch and EMS service inappropriate sharing and viewing of patient information, employees utilization of vehicles for personal use by employees, use of government equipment by employees. Mr. Malcomson repeatedly missed our suspensions for completing reports, documenting training, scheduling required tasks such as employee sits in through youth training and random drug testing. Over the last months he attended one monthly meeting of emergency services committee meeting. The last twelve months he has only presented one monthly report at a Fiscal Court Meeting. He also missed numerous supervisor meetings and other internal meetings of the organization and has been repeatedly unavailable to his staff. He was secluded in his office behind closed doors and too often unreachable by staff during off-duty hours. I don't know if anyone else has any comments or discussions to make before we vote. John Malcomson ask if he could speak and Judge Berry said "No, you've had your thirty-five minutes plus". Anything else, if not, we'll vote.

Judge Berry moved and Easter seconded to approve **Resolution No. 2017-106** recommending termination of employment for EMS Director, John Malcomson. Voting: King yes, Judge Berry yes, Easter yes, Goodman yes, Boone yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes.

Judge Berry announced the next Fiscal Court meeting is July 25, 2017 at 3:30 p.m.

King moved and Morgan seconded to adjourn.

Court was adjourned without objection, Judge/Executive Harry L. Berry presiding.


HARDIN COUNTY/JUDGE/EXECUTIVE

ATTEST:


CLERK, HARDIN COUNTY FISCAL COURT