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Cemetery Commission

May 5, 2015

Selectmen's Meeting Room

Minutes Disciplinary Hearing for Jen Morgan, Cemetery Superintendent

Present: Susan Brown, Chairman, Andrew Kelly, Elizabeth Villard, Jen Morgan, Cemetery Superintendent, Her attorney, Theodore Saulnier, and Atty. Jack Collins, Town Labor Counsel

Ms. Morgan, through her attorney alleged that Ms. Villard has used her position on the Commission to benefit her company, Vineyard History Tours, and asked that Ms. Villard remove herself from the Board. At that time, Ms. Villard stated that her company had never benefitted in any way from her position on the Commission. However, Commissioner Villard then stepped down and recused herself from her role as Commissioner to avoid the appearance of a conflict of interest based on issues raised by the Superintendent.

A motion was made and seconded, and approved by the remaining Commissioners to have the Town's Special Labor Counsel act as the Hearing Officer and to conduct today's hearing into charges involving the Superintendent. He was to make a report to the Commission with recommendations for action.

Attorney Collins conducted the hearing. He started by reading the charges as contained in the notice given to the Superintendent. These included the following:

Reasons for Disciplinary Hearing

- 1) Neglect of Duty or Incompetence
 - a. You received a negative 2015 Evaluation Report and were denied a merit raise. You are currently on probation.
 - b. Instead of working to improve the areas in which you received a low evaluation, you appear to have concentrated all your energy on finding some way to get rid of that report. You are unwilling to accept that the Cemetery Commission is not going to change that evaluation. You insisted on a meeting with the Personnel Board. You were clearly uncomfortable with their statement that the Town By-Law only allowed them to accept an evaluation and an employee's rebuttal, but not to change anything.
 - c. You spent much of the winter wandering from Town office to Town office complaining about the Commissioners etc. Your behavior has caused numerous complaints from other Town employees.
 - d. In short, your behavior has put the work of the Cemetery Superintendent on hold while you focus all of your energy on how to overturn her negative

evaluation. Regular cemetery work has been at a standstill for the last two months.

- 2) You have followed a pattern of doing less and less physical work on the job which has required the hiring of extra staff. Employees complain about it. They say you do not leave directions as to what work the staff should do if you are not there. They commented that they often arrive before you, start what they hope is an appropriate project only to have you arrive and start them doing something else. They also insist that you spend much of her time in the shed watching U Tube.
- 3) You repeatedly try to postpone work until it could be done by Brian Kennedy and Community Service volunteers even after you had been told that they were very busy and would probably not have time.

Note: The Commissioners stressed that most of the work was manual when she was hired.

- 4) You knew that the Highway Department's leaf vacuum was going to come to deal with leaf pile in the Cemeteries, but you were not on site when they arrived. Did not have the leaves ready for them to be removed. Your behavior has resulted in numerous complaints by other town department in regards to last's falls leaf removal. You were not present for most of the time and when you were you didn't help with leaves.
- 5) You were instructed to remove Christmas decorations, Flags etc. from the Cemeteries by January 15. The work was not done by January 27 when the blizzard made any further work in the cemeteries impossible. When questioned in February meeting you said you had started but were worried about people's memorabilia and it was too late due to snow to finish until everything melts. (The decision about memorabilia has to be the Commissions not yours.) When questioned in the March meeting you said that you were working on it and everything would be pick up by week's end.
- 6) You were asked to clean up cemeteries as soon as the snow melted at the Commissioners' February meeting. You did not finally get around to starting this work until well after the snow had melted. There are still many downed branches, leaf piles trash etc, in Old Westside. You seemed to be dallying doing this work until a seasonal employee begins work in early May and then could be asked to do it for you.
- 7) Clean up work was never done in the Chappaquiddick cemetery until a Cemetery Commissioner did it on April 18.
- 8) The month of April has now passed and there are very little signs of work being done in any of the cemeteries. Trash lingers for days, there are areas that need raking and stick removal. Repair to several avenues from plow damage.

- a. It appears you waiting to hire seasonal help before any work will commence.
 - b. You appear to want to be more of a supervisor than laborer. You always revert back to saying you are doing the job as has it has been done for years. However, Mike Smith spent many days by himself doing all the work!!!! He cleaned the leaves for years by himself without contracting or bringing in the high way department. He even mowed the cemeteries alone on many occasions.
- 9) You have developed a pattern of either refusing to do work that you do not want to do or just not doing it.
- a. You were directed to work on a project to make the Town burial records more accurate. However, you insisted this project was not covered in your job description.
 - b. You refused to do the work even after being told that the Town's Special Labor Counsel made it clear that such an order was lawful and had to be obeyed.
- 10) You have disobeyed an order to keep a record of your own or staff hours.
- a. You have not kept any type of accountability after repeated instruction by the Commissioners and lastly by the Personal Board.
 - b. You have insisted that you do not have to keep such a log because you are a "Superintendent."
- 11) You have been directed to record the procedure for Sale of Burial Plots and Planning for Burials so these activities could be handled by the Commissioners when you were absent. However, you have never done this.
- 12) You have been directed to remove a pile of ashes with a set of false teeth from the Chappaquiddick cemetery.
- a. You claimed that you had not been told and moreover that you did not need to do this work and that it also did not need to be done as they "were not human ashes."
 - b. None of the Commissioners told you that you did not need to do the work.
- 13) You have refused to do any work on gravestone restoration.
- a. When hired, you were told that minor restoration work would be part of your work. For example, you have not carried out repairs to a broken lamb sculpture despite numerous requests to do so.
 - b. You have insisted that you do not have the training to do this work, but have refused the opportunity to learn.

Note: Someone from Historic Gravestone Services will be offering a one day Workshop on gravestone restoration. The Commissioners do not want to waste this training on someone who has consistently tried to avoid this kind of work.

14) You were directed to put up a sign on the Cemetery Shed in the Spring of 2014. Sign went up in the fall only after numerous requests.

15) You have not completed the Typed Town burial records as directed. Keeping these records accurate and up to date is Superintendent's responsibility. You should have been working on this project last winter when you insisted there was no work.

16) You have developed a pattern of blaming others when you do not do work. You often claim that you did not receive something even when a Cemetery Commissioners says you did. Your habit of basically saying that Commissioners are liars has created an almost impossible work situation. For example, you have never signed your 2014 Evaluation Report. You claim that you never received the report which Commissioner Villard handed you.

All potential witnesses were sworn.

Each charge was handled in sequence. Witnesses were called and a rebuttal was offered by the Superintendent.

The meeting was adjourned so that Mr. Collins could study the situation and make a recommendation to the Commission on how to proceed. It was agreed that he would speak to Ms. Morgan's attorney and report back at a future Commission meeting.