CITY OF WILLARD, MISSOURI
224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax

BOARD OF ALDERMEN
SPECIAL MEETING
March 25, 2013
7:30 P.M.

Notice posted on March 22, 2013

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a special meeting at 7:30 p.m., March 25, 2013 at Willard City Hall, 224 W. Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

Call the meeting to order

1. Roll Call
2. Adjourn open session
3. Closed session pursuant to Section 610.021#(3)Personnel
4. Close executive session

THE TENTATIVE AGENDA OF THIS MEETING INCLUDES A VOTE TO CLOSE PART OF THE MEETING PERSUANT TO SECTION 610.021 # (3) PERSONNEL.

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS. REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Dale Duvall
City Clerk
City of Willard
417-742-5302

735 pm Closed 3/25/13.

(1)

pictures sent to Atty + Mayor. Social media info.

Attorney believes that policy manual should be followed + not skipped over.

He recommends giving matter to supervisor, reprimand + put it in her file.

Matthew CIST - Employment advisory service

He suggests reprimand also. Expresses concern over lawsuit. 2 sides to the story between Darcel Rogg. + wife + Whitney / sexual harrassment.

Karen is in the process of writing a social media policy.

The Mayor is not asking for a vote just opinions.

Doug Johnson stated he wants to allow the Mayor to handle this.

Attorney stated if the pictures are old + there is no proof that there is underage

drinking occured. Many of the tweets + Facebook postings are cut + paste + taken out of context.

, Hemphill states that we are always tip-toeing around a lawsuit. He believes that we need to go through the proper procedures.

Insubordination would be the reason for write up.

Simmons thinks social media can be a bad thing + manipulated. He does believe the matter should be addressed as well:

Vincent - believes she should be disciplined.

Roggensees - said situation w/ wife + him has been offensive + he feels slandered. "He had 1 case where soccer practice was cxled + he left the rec. ctr + said he was

going to take it up w/ the chain of command. (3)

3/25/13

At Panera he figured out the spoke w/ his wife about running for Mayor to end the problems. He then found out that Amanda was told to record the conversation by Whitney. He was looking for wife + he said Amanda started accusing him fear of harrasment.

The Mayor wants to put the issue to rest

Rep. said Angie Nicholls was afraid to talk to Board. Nick got the letter + did nothing with it.

Trapp - disappointed in the whole situation. Does not believe she is a women of Charecter. She was disappointed in how Whitney handled the David R. thing.

CITY OF WILLARD, MISSOURI

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1/10/2013

Vivint Inc.
4931 North 300 West
Provo, UT 84604

Re: Business License for 2013

To Whom It May Concern:

To date, we have not received your completed application and $25.00 fee for your 2013 city business license. Under Willard City Code Chapter 605 Article I, it is a requirement to possess a Willard Business License to conduct business within city limits. Please complete the enclosed application with the fee of $25.00 and return it to City Hall.
Please contact the city clerk at 417-742-5302 with any questions.

Sincerely,
Dale Duvall, City Clerk

Springfield has policy that hires employees more accountable.
Vincent believes gives a dangerous employee a date on the city.
happenings - house work environment theory
inappropriate - They would not let Whitney back,
will be written up.
We D'Dell - have never July, she keeps
making the same mistake. The Mayor is
opposed to doing this.
opposed to terminate her. He just wanted
to let them know.
close tod/OT. out date 8:40 pm

Close open DH/EC. open EC close BH.

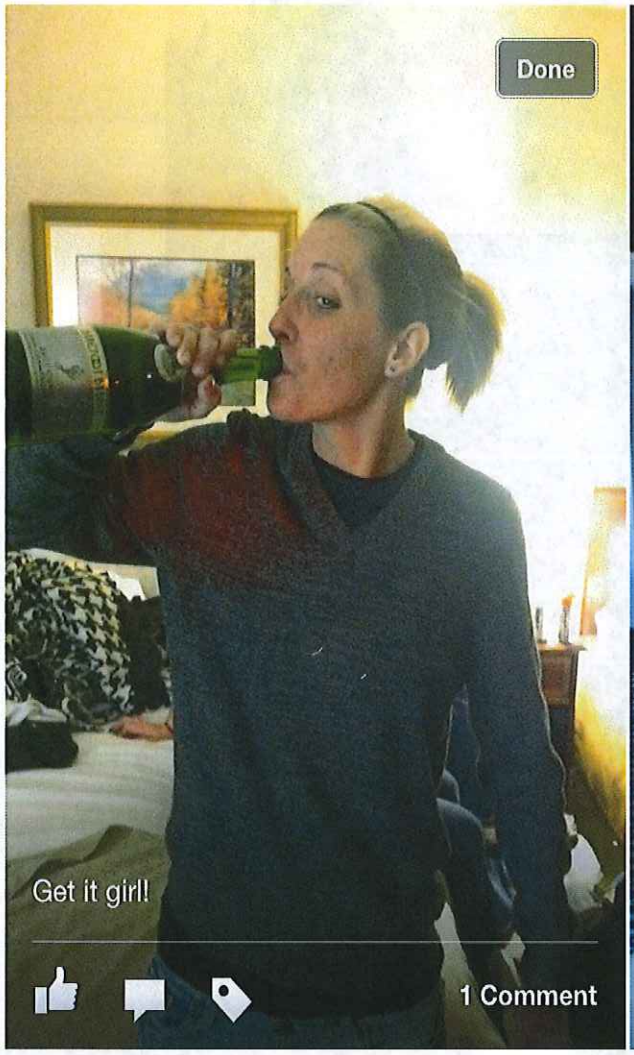
Dale Duvall

From: ctrapp@cityofwillard.org
Sent: Wednesday, March 13, 2013 10:29 AM
To: Dale Duval; Karen Robson
Subject: FW: Pictures of Whitney
Attachments: Whitney Shoffner.docx

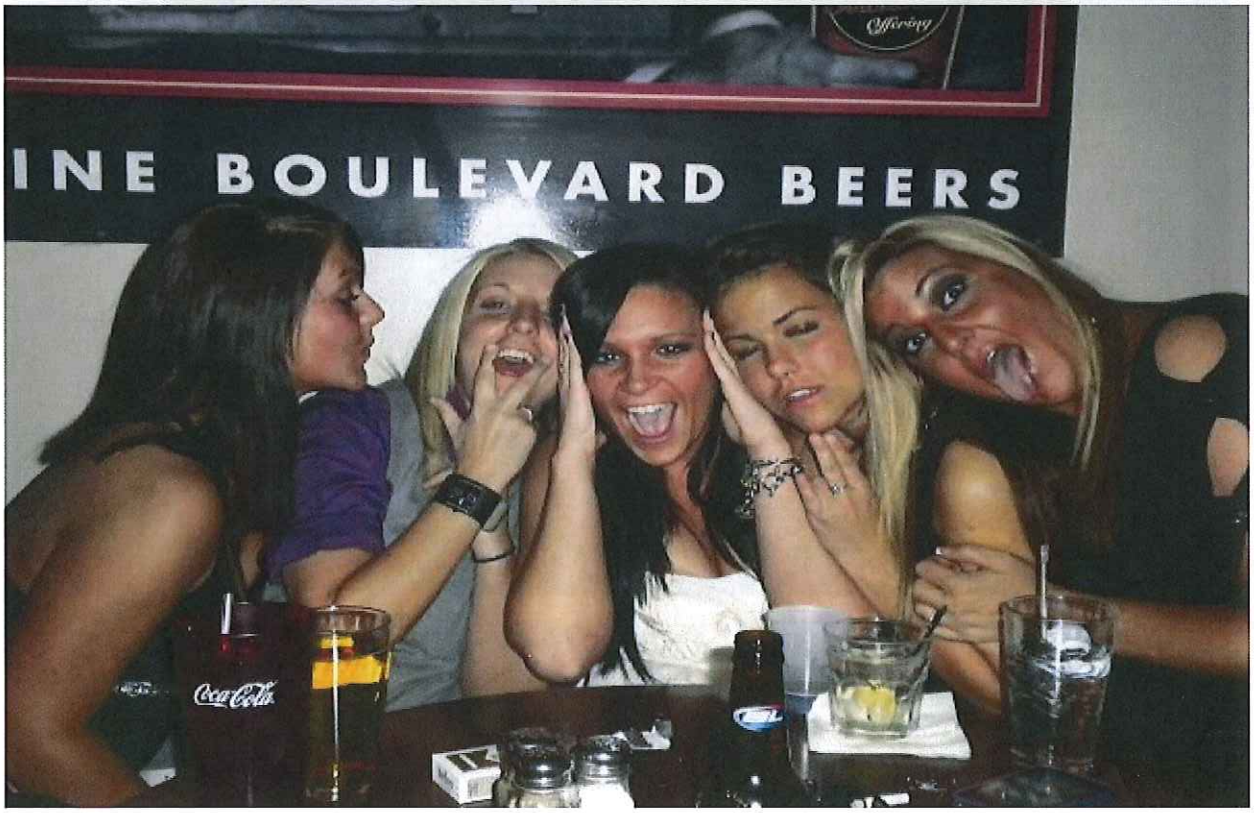
-----Original Message-----
From: "Cassie Robinson" <crobinson2109@gmail.com>
Sent: Wednesday, January 9, 2013 6:28pm
To: ctrapp@cityofwillard.org
Subject: Pictures of Whitney

Hi Cindy, here are the pictures and examples of inappropriate behavior/language taken from the internet that we had spoken about.

The following pictures and text were taken from Whitney Shoffner's Facebook page and Twitter feed. On these sites, a few community members and several Rec Center employees can see the content.



Done
This is where drunk hits black out in the face!!!
12 Comments


INE BOULEVARD BEERS
Coca-Cola

With employee Amanda Allen who is underage.

Verizon 7:17 PM 38%

Sign in Open in App

Whitney Shoffner
@WhitEujean

So sick of hearing how tore up u r and how hard it's been on u. Really? Let me be blunt SCREW OFF! #arrogantass

1:24pm - 12 Dec 12

Verizon 7:17 PM 38%

Sign in Open in App

Whitney Shoffner
@WhitEujean

I'm about to fucking lose it

10:07pm - 7 Dec 12

Verizon 7:18 PM 37%

Sign in Open in App

Whitney Shoffner
@WhitEujean

"@AmAll14: @WhitEujean sorry grandma. #oldballs" your an ass hat!

8:23am - 3 Dec 12

Verizon 7:18 PM 37%

Sign in Open in App

Whitney Shoffner
@WhitEujean

The gloves are off you stupid SOB!

2:47pm - 7 Dec 12

" AmAll14" is employee Amanda Allen

Verizon 7:21 PM 37%

Sign in Open in App

Whitney Shoffner
@WhitEujean

"@AmAll14: You might have a problem if....#addiction #sugaroverload #660 pic.twitter.com/YvJI8k2W" you ass hole!

7:33pm - 17 Nov 12

Verizon 7:16 PM 38%

Sign in Open in App

Whitney Shoffner
@WhitEujean

I fucking hate people

3:42pm - 13 Dec 12

Verizon 7:18 PM 37%

Sign in Open in App

Whitney Shoffner
@WhitEujean

"@AmAll14: @WhitEujean sorry grandma. #oldballs" your an ass hat!

8:23am - 3 Dec 12

Whitney Shoffner

That's fucking awesome! It's not my birthday but I'll celebrate anyhow

June 30, 2011 · Like

Whitney Shoffner

Yesterday at 10:44 PM ·

If that messed up church pickets those kids funerals I swear ill drive there and kill them myself. What a fucked up psycho group of fake Christians

Like · Comment 4 5

Whitney Shoffner

I just saw this comment! Your retarded! I'm giving your hours to Kelsey !

March 4 · Like · 2

Whitney Shoffner ▸ **Amanda Allen**
August 20, 2012

We are going to a cowboys game....your ass can ride in the trunk — with Katy Roberts.

Like · Comment 1 5

Whitney Shoffner
Saturday at 12:59 PM ·

Hiding in a bathroom at work so everyone leaves me alone. To much yelling!

Like · **Comment**

2 people like this.

Brooke Cavins Kaufman
Haha kids or parents??!!
Saturday at 1:40 PM · Like

Whitney Shoffner
Both!!!
Saturday at 2:09 PM · Like

Amanda Allen
January 29, 2012 via mobile

The hardest thing in life is to know which bridge to cross and which to burn.

Like · Comment · Share 17 1

Katy Roberts, Kayla Marie Jones and 14 others like this.

Whitney Shoffner Burn the Mother fucker down...Name that movie?
January 31, 2012 at 11:33am via mobile · Like

Write a comment...

Whitney Shoffner ▸ **Amanda Allen**
January 26, 2012

I gotta quit using crack before I go to bed, more stuffed animals came to life and ate people.... What a way to die!

Like · Comment 2

Dale Duvall

From: Cassie Robinson [crobinson2109@gmail.com]
Sent: Thursday, January 10, 2013 9:28 PM
To: ctrapp@cityofwillard.org
Subject: More pictures
Attachments: Whitney Shoffner2.docx

I forgot to include a few things in the last document I sent you. These were taken from Facebook and Twitter as well.

Whitney Shoffner
August 31, 2010 ·

To all the parents out there:
If you put your child in a program please dont complain that you dont like the VOLUNTEER coach, please dont say you know it all, quit living through your children, Alot of the time it IS YOUR FAULT, trust me, and last but not least this is a recreational league not the NBA, not the NFL and not MLB so please quit acting like your child is Jesus Christ!

Like · **Comment**

with the greatest people but sometimes being in charge of youth programs can be a pain in the but
August 31, 2010 · Like

Stevie Lain
and its parents that are the prob!
August 31, 2010 · Like

Lisa M Le
hahah me crazy! i think you give me a run for the money with that. well i live in springfield silly. u coach a Y program?
August 31, 2010 · Like

Whitney Shoffner
No I'm the sports coordinator for the Willard parks
September 1, 2010 · Like

Whitney Shoffner
@WhitEujean

I feel like I'm driving straight into hell. Ah this place puts me in the worse mood.

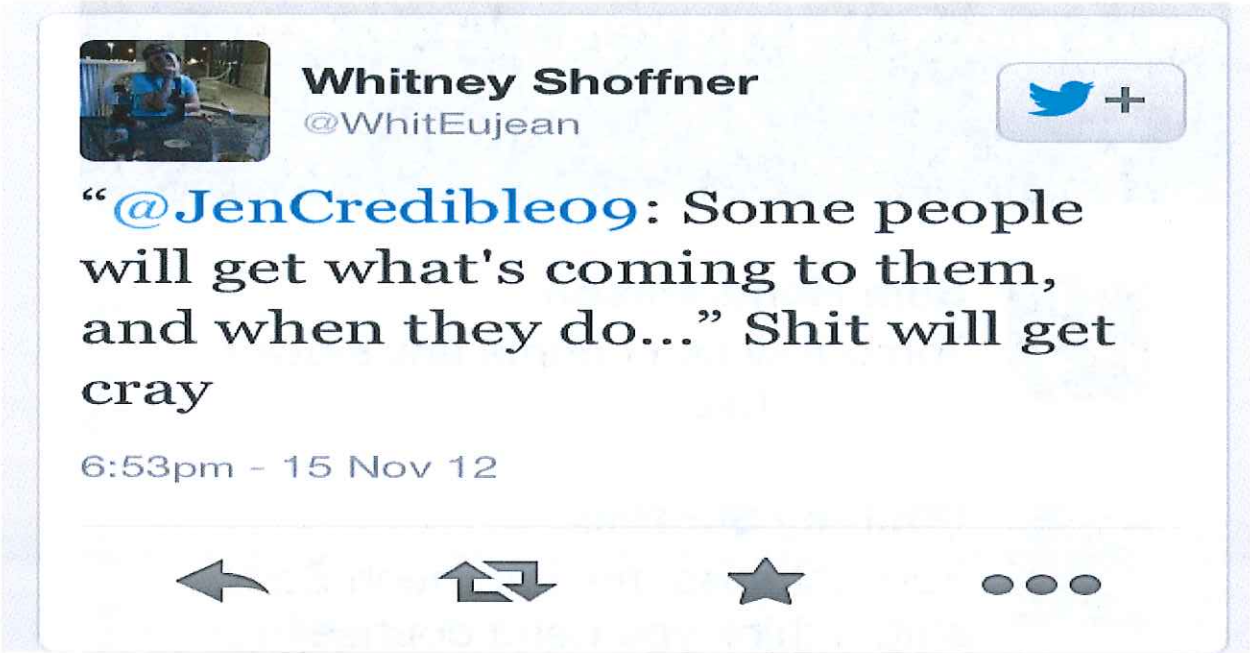
8:13am - 26 Nov 12

Posted before she came into work

Whitney Shoffner
@WhitEujean

I swear to everything bitch get that smile off your face or ill finish you like a cheesecake

8:17am - 17 Nov 12



"JenCredible09" is employee Jenny Brown.

Brooke Thornton, Kenley Scott, and Sam Hendrickson all worked for Whitney at this time.

PRINCIPALS:
Kenneth P. Reynolds (1,2)
Jon M. Gold (2)
Robert A. Grosser (2,3)
Sam M. Coring (2)

ASSOCIATES:
Stacey R. Page (2,3)
Scott A. Smith (2)
Kristin Straily (1)

RGG Law
REYNOLDS, GOLD & GROSSER, P.C.
ATTORNEYS AT LAW

OF COUNSEL:
Martin F. Spiegel (2)
Wayne Henry (1)
Former Social Security Administrative Law Judges

Nancy Spence (4)
Former Social Security Attorney Advisor

(1) Licensed in Oklahoma
(2) Licensed in Missouri
(3) Licensed in Kansas
(4) Licensed in Pennsylvania

March 19, 2013

City of Willard
244 W. Jackson St.
Willard, Missouri 65781

RE: Whitney Shoffner

Dear Board of Alderman:

I have reviewed the City's Employee Policy Manual and the various Facebook posts, pictures, and "tweets" from Whitney Shoffner's social media pages. This letter is to inform the Board of its options with regard to disciplinary action.

The City of Willard has an "at will" employment policy. This policy is outlined in the City's Manual and is referenced throughout the Manual several times. The Manual states:

> All employment is at will and either the employee or the City of Willard may terminate or modify the employment relationship at any time, with or without cause, and with or without notice. No provision of this informational handbook should be construed to alter the at will nature of employment with the City of Willard.

The City could choose to terminate Ms. Shoffner's employment based on the at will employment policy.

However, the City also has the option of pursuing disciplinary action against Ms. Shoffner using more specific policy provisions in the Manual. One policy the City could use to pursue disciplinary action is the City's harassment policy. In the Manual, harassment is defined, in part, as unwelcome conduct of a verbal nature. The City's policy states

> If there is reasonable evidence substantiating that harassment has occurred, the City of Willard will take the necessary and appropriate remedial action to prevent

further harassment from occurring. An employee who, after an investigation, is determined to have engaged in any form of discrimination, harassment, or retaliation is in violation of this guideline and will be subject to appropriate disciplinary action, up to and including immediate termination of employment.

On one of the Facebook posts, City of Willard employees (including Ms. Shoffner, Kenley Scott, Brooke Thornton, and Sam Hedrickson) discussed an incident that appears to have occurred at the workplace. It is my understanding that, at the time of the discussion, Ms. Shoffner was Ms. Scott, Ms. Thornton, and Mr. Hendrickson's supervisor.

> Kenley Scott wrote: "She got a tennis ball chucked at her:(I saw it!" referring to Ms. Shoffner.
>
> Brooke Thornton wrote: "Im kind of scared to go to work tonight!"
>
> Ms. Shoffner wrote: "You should be! Amanda got her ass kicked."
>
> Sam Hendrickson wrote: "I'm excited.."
>
> Sam Hendrickson wrote: "Tomorrow can't come any slower"
>
> Ms. Shoffner wrote: "You just miss me that much Sam shit.. I think you need counseling."
>
> Sam Hendrickson wrote: "I have presents:)"
>
> Ms. Shoffner wrote: "Let me make one thing clear, if anyone brings an fing tennis ball around me I will put your teeth in the back of your throat"

The documentation I received also shows that, on a separate occasion, Ms. Shoffner made a statement on Facebook that says "I just saw this comment! Your retarded! Im giving your hours to Kelsey!" I do not have any information about the "comment" to which Ms. Shoffner was referring. I also do not know to whom her statement was directed. However, I infer from Ms. Shoffner's statement about giving hours to Kelsey that her comment was directed at another employee.

Ms. Shoffner also commented on another employee's, Amanda Allen's, Facebook wall. Her comment stated "We are going to a cowboys game....your ass can ride in the trunk." A separate occasion shows that Ms. Shoffner called Ms. Allen an "ass hat" and an "ass hole" on her Twitter feed.

The City's harassment policy specifically prohibits " verbal statements such as . . . degrading verbal abuse, threats . . . [and] derogatory comments." It is my opinion that each of these comments represent behavior that the City specifically prohibits in its Policy Manual, and that the City would be justified in taking disciplinary action, including termination, against Ms. Shoffner.

1240 E. Independence, Ste 200, Springfield, MO 65804 • www.rgglaw.net • Telephone: 417.864.4700 • Toll Free: 800.213.9491 Social Security: 417.520.0305 • Toll Free: 888.834.3902 • Fax: 417.864.4774 • Toll Free Fax: 800.854.0050

The City's Manual also specifically prohibits "Acts of incompetence, inadequate performance, inefficiency, negligence in the performance of duties," "[i]ntentional failure or refusal to carry out instructions or assignments," and "[a]cts of misconduct while on duty." The Manual states that these violations "may result in discipline up to and including immediate termination of employment."

One of Ms. Shoffner's Facebook posts states, "Hiding in a bathroom at work so everyone leaves me alone. To [sic] much yelling!"

It is my opinion that this post represents a violation of the City's policies prohibiting inadequate performance, refusal to carry out assignments, and acts of misconduct. The City could issue a disciplinary action for Ms. Shoffner's behavior under these provisions of the Manual.

A separate Facebook post states:

> To all the parents out there: If you put your child in a program please don't complain that you dont like the VOLUNTEER coach, please don't say you know it all, quit living through your children, A lot of the time it IS YOUR FAULT, trust me, and last but not least this is a recreational league not the NBA, not the NFL and not the MLB so please quit acting like your child is Jesus Christ!

Ms. Shoffner proceeds to comment that she is the "sports coordinator for Willard parks."

Again, it is my opinion that the City could discipline Ms. Shoffner under the provision that prohibits inadequate performance for this comment.

In its Manual, the City also reserves the right to determine unacceptable behaviors that may result in disciplinary action. Although not specifically prohibited by the Willard Employee Policy Manual, there are several additional pictures, Facebook comments and posts, and "tweets" that the City may deem inappropriate and cause for disciplinary action. The printouts include pictures of Ms. Shoffner drinking alcohol with another underage employee and Facebook posts and "tweets' with foul language and inappropriate comments. The City could also choose to find this behavior unacceptable and discipline Ms. Shoffner pursuant to this clause in the Manual.

As outlined above, the City has several options with regard to disciplining Ms. Shoffner. Please feel free to contact me with any questions.

Cordially,

Kenneth P. Reynolds

KPR/jpo
cc: Dale Duvall

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