



City of Surprise
Personnel Appeals Board Agenda
Minutes, Wednesday, September 23, 2020
16000 North Civic Center Plaza, Surprise, Arizona 85374

The following are the minutes from the City of Surprise Personnel Appeals Board (PAB) – meeting held at 3:00 p.m. Tuesday, September 23, 2020. The meeting was held in the City Hall, Council Overflow Conference Room.

A. Call To Order:

Connie Welsch, HR Manager/Board Liaison called the meeting to order at 3:01 pm.

B. Roll Call: Ira McCullough, Board Member – Present (*via WebEx*)
LaCoya Shelton, Board Member – Present (*via WebEx*)
Mitchell Friedlander, Board Member – Excused Absence
Thomas Russell, Board Member - Present
Ted Grove, Board Member – Present
Jim Conner, Board Member - Present
Eric Lochner, Board Member – Present (*via WebEx*)

In attendance: Connie Welsch, Human Resources, HR Manager, Board Liaison
Lisa Angelini, Human Resources Director
Donna Meuse, Human Resources Manager
Carrie O'Brien, Board Attorney

C. Pledge of Allegiance - Completed

D. Current Events Reports - None

E. Staff Reports - None

F. Call to the Public - None

Consent Agenda:

#1. Consideration and action pertaining to the approval of the September 22, 2020 Personnel Appeals Board meeting minutes. - **Approved**

Motion to Approve: Ira McCullough

Second: Jim Conner

Opposed: None; 6 yes votes

Regular Agenda:

#2. Consideration and possible action pertaining to amendment of the Personnel Appeals Board Rules of Practice and Procedure. - **Approved**



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Motion to Approve: Jim Conner with proposal modification amendments:

- Leave in deletion of 303(d)
- Modification to language in 501(b)(7)
- All other housekeeping items including dates

Second: Thomas Russell

Opposed: 1 No; 5 yes votes

Ted Grove opposed the motion for not addressing differences in the discovery obligations depending on whether the employee is a civilian employee or a peace officer.

Carrie O'Brien, Board Attorney provided background on questions raised by the Board regarding the understanding of the Board's authority and the City Manager's authority. The Board Attorney advised that she went back and reviewed the City Ordinance and applicable City Policy. She advised that the Board reviews the case to determine whether there was just cause as outlined in the Personnel Appeals Board Rules of Practice and Procedure (Rules), section 600; rule 601. She clarified that the Board's decision is solely to sustain or overturn the disciplinary action appealed. If the Board overturns the disciplinary action, the case goes back to the City Manager to review the underlying facts again and issue alternative corrective action within 10 business days. Lisa Angelini read the city policy pertaining to the authority of the City Manager for the record. Ted Grove commented that the information in City Code does not appear to be the same as in the Board Rules. The Board Attorney stated that if there is a discrepancy between policies, City ordinance takes precedence. Further review and discussion ensued and the Board Attorney explained that the Board cannot recommend or modify the discipline; their authority is to sustain or overturn, but the Board may provide its reasoning for the decision to be heard for the record. She further clarified that if the appeal is overturned; the case goes back to the City Manager for review to issue an alternative.

Additional discussion took place regarding differences between classified employees and those classified employees covered under the peace officers bill of rights. Jim Conner commented on the executive session language in 303(d) and to consider having the hearing in executive session. Discussion ensued regarding having the hearing in executive session versus open to the public. The Board would like to leave the executive section language in the procedures and the Board Attorney will clarify as appropriate.

The Board Attorney confirmed that the Prehearing conference is to be attended by the presiding officer and is to be used for administrative procedural matters, not substantive matters. She read information from the City of Scottsdale to consider for 501(b)7 which the Board agreed to.

Discussion took place on the number of members to attend a hearing. Code stipulates there will be a panel consisting of five members of the board who will serve as hearing officers. The hearing officers will consist of the chairman, or designee in the chairman's absence, who will preside over the hearing, and four other members who will serve on rotation. The Board considered this process and agreed to the five voting members for a



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hearing and two alternates. The alternates will attend so that they may observe but not participate unless circumstances arise whereby voting members fall below five. Jim Conner suggested clarifying language be incorporated into the Rules.

Ted Grove brought up the disclosure requirements and to consider making it more consistent for both civilians and peace officers. The Board Attorney explained the bill of rights is unique to peace officers and they have a higher standard to meet.

Additional housekeeping items were reviewed and incorporated including changes to dates from working days to calendar days.

Adjournment:

Board member Thomas Russell made the motion to adjourn at 4.19 p.m. Board member Jim Conner seconded the motion. None opposed.

Meeting Minutes Approval:

A handwritten signature in black ink, appearing to read "Ira McCullough", written over a horizontal line.

Ira McCullough, Chairperson

CERTIFICATION:

I, Connie Welsch, Human Resources Manager/Board Liaison for the City of Surprise, Maricopa County, Arizona, do hereby certify that these are true and correct minutes of the Personnel Appeals Board Meeting of Wednesday, September 23, 2020.

Connie Welsch, HR Manager/Board Liaison