

Meeting Minutes Tempe Merit System Board February 28, 2022

Minutes of the Tempe Merit System Board Meeting, held on Monday, February 28, 2022 at 8:00 a.m. in the Human Resources Conference Room located at 20 E. 6th Street Tempe, AZ 85281

Board Members Present:

Lori Messer
Bill Munch
Johnny Tse

City Staff Present:

Rebecca Strisko, Human Resources Director; Board Secretary
Sarah Jenkins, Management Assistant II; Staff to the Board
Sara Thompson, HR Technician II
David Park, Assistant City Attorney

Others Present:

Joshua Walters, Appellant
Kathryn Baillie, Appellant's Legal Counsel
Cindy Bachman, Court Reporter

Witnesses Present:

Terry Piekarz, Municipal Utilities Director
Luis Acuna, Solid Waste Equipment Operator II
Joe Hayduk, Solid Waste Equipment Operator II
Richard Martinez, Solid Waste Supervisor
Ruben Rey, Solid Waste Supervisor
Rosalio Flores, Jr., Solid Waste Supervisor

Chair Johnny Tse called the meeting to order at 8:01 a.m. and roll call was taken.

1. Consideration of Meeting Minutes

Motion by Boardmember Messer to approve the February 22, 2022 Board Meeting Minutes, second by Mr. Munch.
Motion passed unanimously on a voice vote 3-0.
Ayes: Chair Tse, Boardmembers Munch and Messer
Nays: None
Absent: None

2. Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §38-431.03(A)(1), 38-431.03 (A) (2), 38-431.03 (A) (3)

See Item 3.

3. Hearing on the Appeal of Joshua Walters including Discussion and Consideration of Personnel Matters

Chair Tse convened the Merit System Board Hearing on the appeal of Joshua Walters. Chair Tse stated that Mr. Walters requested a private hearing, which occurs in Executive Session. Motion by Boardmember Munch to adjourn to Executive Session; second by Ms. Messer. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Tse, Boardmembers Munch and Messer
Nays: None
Absent: None

The Board adjourned to Executive Session at 8:03 a.m. The meeting reconvened at 3:49 p.m.

Chair Tse stated that regarding Appellant's discipline, the Board considered all the evidence in totality, including, but not limited to the alleged violations. The Merit System Board sustained the following allegations:

1. 406.c.2 which states, the employee has acted negligently, recklessly, or carelessly in performing their duties during a specific incident or incidents.
2. 406.c.4 which states, the employee has been insubordinate or has failed to follow reasonable direction from a supervisor.
3. 406.c.5 which states, the employee has violated an applicable safety rule, policy or directive.
4. 406.c.9 which states, the employee has been abusive in attitude, language, behavior or conduct toward another employee or the public.
5. 406.c.11 which states, the employee has engaged in behavior that does not meet a reasonable standard of workplace civility and respect in their interactions with other employees or the public.

Motion by Boardmember Munch to approve the recommendation to uphold the termination of Joshua Walters; second by Ms. Messer. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Tse, Boardmembers Munch and Messer
Nays: None
Absent: None

Chair Tse stated that the Appellant may file a written appeal of the board's recommendation to the City Manager within three business days of the notification to the City Manager. Copies of the Board recommendation letter will be forwarded to the Appellant, the city department representative, City Attorney, and members of the Board.

4. Future Agenda Items

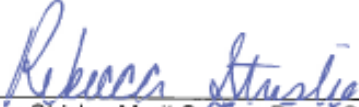
There are no future agenda items.

Adjournment

Motion by Mr. Munch to adjourn; seconded by Ms. Messer. The motion passed unanimously on voice vote 3-0.

Ayes: Chair Tse, Boardmembers Munch and Messer
Nays: None
Absent: None

The meeting adjourned at 3:51 p.m.


Rebecca Strisko, Merit System Board Secretary