

ARIZONA STATE PERSONNEL BOARD
MEETING MINUTES
JUNE 8, 2016

The Arizona State Personnel Board meeting was called to order by Mark Ziska at 11:18 a.m. The meeting was held at 1400 West Washington Street, Suite 280, Phoenix, Arizona. Board members in attendance were Mark Ziska, Kevin Donnellan, and Chad Kirkpatrick. Staff members present were Jeff Bernick as Counsel for the Board, and Laurie Barcelona, Executive Director.

The first order of business was to elect a Chair Pro Tem to chair the meeting. Kevin Donnellan proposed Mark Ziska serve as Chair Pro Tem. Chad Kirkpatrick seconded the motion which carried unanimously.

The board called for comments from the public. There being no public comments, Mark Ziska moved to adopt the minutes from the May 10, 2016 meeting. Chad Kirkpatrick seconded the motion. Jeff Bernick informed the Board that since Mr. Kirkpatrick was not a member at the time of the May meeting he could not vote on the minutes so consideration would have to be tabled until the next meeting.

Next, the board considered the dismissal appeal of **Carol Brown v. Department of Economic Security.**

Ms. Brown was not present to speak.

Anna Dahlquist, Assistant Attorney General representing the Department of Economic Security, stated Ms. Brown violated the standards of conduct for state employees by her mistreatment of her vulnerable mother-in-law who was bedridden and 84 years old. Ms. Brown was the subject of a Department of Public Safety report when deputies appeared at her home to investigate reports of a woman calling for help; her mother-in-law was found lying in her own waste, in a house filled with animal feces, and she was padlocked in the home. The case generated media attention which clearly brought discredit to the state because it identified that Ms. Brown was an employee of the Department of Economic Security. The dismissal was not arbitrary nor capricious, and was consistent with similarly situated employees.

There being no discussion, Kevin Donnellan proposed the following motion:

"Finding that the Department of Economic Security has proven by a preponderance of the evidence that the material facts on which the dismissal was based and that the dismissal was not arbitrary and capricious, I move we adopt the Hearing Officer's Findings of Fact and Conclusions of Law as our own. I then move that the appellant's appeal be denied and the agency's action of dismissal be upheld."

Chad Kirkpatrick seconded the motion which carried unanimously.

The board then considered the jurisdiction appeal of **James Hunt vs. Department of Corrections**.

Mr. Hunt was not present to speak.

John Fry, Assistant Attorney General representing the Department of Corrections, stated there was no disputed facts in this matter. Mr. Hunt was on approved family medical leave (FMLA). He was advised in writing that the FMLA leave expired on March 9th and he was to return to work on March 10th. Mr. Hunt failed to return to work and failed to call in on March 10th, 11th, 12th, 13th, and 14th. Even in his appeal to the Personnel Board, Mr. Hunt acknowledged his mistake regarding the dates of his return to work and just because he thought his return date was March 16th does not change the fact that he was a no call/no show for at least three days and, per personnel rules, an agency head is entitled to consider an employee who is a no call/no show for work for three consecutive days to have abandoned/resigned their position. Mr. Fry stated this was a resignation, thus not an appealable action and the Personnel Board does not have jurisdiction.

There being no discussion, Kevin Donnellan proposed the following motion:

"I move we adopt the hearing officer's Findings of Fact and Conclusions of Law as our own. I move we grant the Respondent's Motion to Dismiss as the Board does not have jurisdiction to hear the appeal."

Chad Kirkpatrick seconded the motion which carried unanimously.

The board then considered scheduling the next board meeting. Kevin Donnellan proposed the following motion:

"I move we hold our next regularly scheduled open public meeting of the Board on the 10th day of August at 11:00 o'clock a.m. at 1400 West Washington Street, Suite 280, Phoenix, Arizona. I also move we hold an executive session on the same date at the same location at 10:30 a.m."

Mark Ziska seconded the motion which carried unanimously.

There being no further business before the board, Mark Ziska proposed the meeting be adjourned. Chad Kirkpatrick seconded the motion which carried unanimously. The meeting adjourned at 11:25 a.m.

(Quotations of board members in these minutes have been reviewed by staff for grammatical content, and certain grammatical changes may have been made by staff administratively. No changes to content have been made by staff administratively or otherwise.)

Respectfully submitted:

Laurie Barcelona

Laurie Barcelona, Executive Director
Arizona State Personnel Board

June 15, 2016

Date Prepared