

**Judicial Merit Commission – Regular Quarterly Meeting
Tang Conference Room, Law Library, Third Floor
101 West Jefferson, East Court Building
Tuesday, December 5, 2017**

General Session Meeting Minutes

The Judicial Merit System Commission met on Tuesday, December 5, 2017, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room located at 101 W. Jefferson Street, East Court Building, Law Library, 3rd Floor.

I. Meeting Convened

The meeting was called to order at 2:00 p.m. with the following Commissioners in attendance: Commissioners Craig Waugh (Chair), Lauren Eiler (telephonic), Roger Geddes, Yvonne Hunter, and Kristin Hoffman.

Also in attendance were Danna Quinn, Secretary to the Commission, Jennifer Fish, Human Resources Manager, Jamie Ahler, Human Resources Attorney, and Billie Berry, Human Resources Associate.

II. Approval of the Minutes

Commissioner Waugh called for a motion to approve the minutes of the 12 September 2017 Quarterly General Session.

Motion: Commissioner Hunter moved to approve the minutes of the 12 September 2017 Quarterly General Session.

Commissioner Hoffman seconded the motion. The motion passed by a unanimous vote, none opposed, and no abstentions.

III. Appeals for Notification of Status

No appeals pending notification of status for this meeting.

IV. Appeals Pending Hearing/Decision

Secretary Danna Quinn reported that a hearing was scheduled on December 8, 2017, before Hearing Officer Amy Lieberman in the appeal of *MaKayla Nunlee Smiley v. Maryvale Justice Court*. Secretary Quinn stated that the Justice Court appeal process is slightly different in that they receive legal advice from the County Attorney instead of the Attorney General. Secretary Quinn also stated that the Justice Court has a standalone Human Resources team and coordinates appeals on their own with support from Court Human Resources and is still under the jurisdiction of the Judicial Merit System Rules and the Commission.

V. Proposed Changes to Judicial Merit System Rules and Conformity to Hearing Officer's Handbook

Commissioner Waugh reiterated that this item has been carried on the agenda for discussion of proposed revisions to resolve some potential inconsistencies and ambiguities in the wording of the Judicial Merit System Rules. Commissioner Waugh stated the Commission did not have an opportunity to address the redlined version of the proposed revisions circulated prior to the September 2017 session and opened the meeting for discussion at this time.

Discussion ensued. Commissioner Hunter inquired as to whether there was a deadline for executing the proposed changes and whether the proposed changes had been reviewed by the Commission's counsel.

Commissioner Waugh advised there is no deadline for executing the proposed changes and that the Commission, at its prior meeting, expressed a desire to await review by counsel until all Commission members were afforded an opportunity to review the proposed changes and provide input.

Commissioner Waugh stated that the proposed revisions are primarily wording changes to make the Rules more consistent with the Resolution in allowing the Commission to either take an appeal or assign it to a Hearing Officer. Commissioner Waugh stated the remainder of his proposed changes change references to "Hearing Officer Report" to a consistent reference to Hearing Officer's "Proposed Findings of Fact, Conclusions of Law and Recommendation." He stated this same document is referred to in the Rules by a number of different names, often without the word "proposed," which could potentially cause confusion as to exactly what the Hearing Officer submits to the Commission.

Additional discussion ensued regarding suggestions for revision to Section XVI of the Hearing Officer Handbook relative to the timeline for parties to submit Written Proposed Findings of Fact to the Hearing Officer after conclusion of the hearing, and for the Hearing Officers to receive and rule on those Findings in their Proposed Findings of Fact to the Commission.

Suggestions were also noted for changes to Rule 11.12 of the Merit Rules which requires "a copy of the Proposed Findings and Conclusions shall be filed by the Hearing Officer with the Commission through the Director within fourteen (14) calendar days from the last date of the hearing, or upon receipt of the transcript of the hearing, at the discretion of the Hearing Officer, not to exceed thirty-one (31) calendar days from last date of hearing." Commissioner Geddes suggested that the timeline be changed to tie into receipt of the transcript instead of the last day of the hearing. It was also suggested to eliminate the reference to 14 calendar days from the last date of the hearing, and focus on a time after receipt of the transcript, to allow the parties sufficient time to submit written Proposed Findings, and the Hearing Officers time to consider those and make their Proposed Findings of Fact, Conclusions of Law and Recommendation to the Commission within a month.

Commissioner Waugh also noted that the instructions to be provided by the Hearing Officer at the beginning of a hearing under Section XX of the Hearing Officer Handbook do not require Hearing Officers to advise the parties of their right to submit Proposed Findings and Conclusions at the conclusion of the hearing, and suggested the Commission consider including it in the Handbook, as well as the Appellant's Guide and the Resolution and Rules.

Commissioner Waugh encouraged all members to review the Rules and Resolution, and the Hearing Officer Handbook in-depth and provide any changes or suggestions to Court staff for circulation prior to March session for discussion on how to address these and any other issues.

VI. Annual Report

Secretary Danna Quinn elaborated on the comprehensive FY17/18 Annual Report provided to the Commission. Secretary Quinn stated the report included information that may not be directly related to the Commission's function in addition to the information staff has provided in the past.

Secretary Quinn gave an overview of the Court's achievements during the past fiscal year which included performance pay increases to staff, implementation of an Alternative Work Schedule and Bilingual Pay, the Employee Satisfaction Survey and Strategic Planning Process. Secretary Quinn stated the most significant trend in the workforce data was an increase in the number of Adult Probation positions due to the officer's workload which has resulted in new budgeted positions each year.

Secretary Quinn also elaborated on the disposition and resolution of Notice of Charges issued by the Court, and the number of appeals and EEOC charges received during the fiscal year. She also reported on activity undertaken by the Recruiting and Staffing Department, an overview of performance evaluations and the number of positions covered under the Classified Personnel Rules and Judicial Merit System Rules.

Commissioner Waugh noted that, although not a huge reduction, the number of employees subject to the Judicial Merit System Resolution and Rules has decreased from FY13/14 to the most recent year.

Secretary Quinn reported the decrease is due to newly hired and promoted Superior Court employees now being covered under the Classified Personnel Rules, while Adult and Juvenile Probation Department employees are still covered under the Judicial Merit Rules, with Adult Department being one of the biggest groups.

Discussion and questions to staff continued regarding the Annual Report and the Commission requested that in future reports, for clarity, when charts and asterisks are used that the information the asterisks pertain to is more clearly delineated and listed in a header or footer on the page. The Commission further requested that staff include a breakdown when reporting on turnover rates to specify total staff and total number of positions affected, and whether some staff has not been included, such as the Justice Court, Judges and Commissioners.

The Commission acknowledged that the disciplinary section of the Annual Report is the most pertinent to its function and that the balance of the information in the Annual Report provides an overview of the employees involved in the process that the Commission oversees. The Commission expressed appreciation for the completeness and detail provided in the report, and staff's ability to answer all questions presented about what the data reflects.

VII. JMC 2018 Proposed Meeting Schedule

Commissioner Waugh inquired whether any Commissioner had a conflict with the proposed meeting dates for the Commission's 2018 General Session of March 6, June 5, September 11 and December 4, 2018. Commissioner Eiler advised she may have a conflict with the September 11, 2018 date.

Motion: Commissioner Waugh moved to adopt and approve the 2018 Proposed Meeting Schedule.

Commissioner Eiler seconded the motion.

The motion was approved with a vote of 5 in favor, no abstentions, none opposed.

VIII. Executive Session

No Executive Session was held at this meeting.

IX. Call to the Public

A call to the public was made by Commissioner Waugh, and no response to the call was made.

VIII. Future Agenda Items

1. Proposed Changes to the Judicial Merit System Rules and Hearing Officer's Handbook.

IX. Meeting Adjournment

The Chair entertained a motion to adjourn.

Motion: Commissioner Hunter moved to adjourn the meeting. Commissioner Geddes seconded the motion, and the Commission approved it unanimously.

The meeting was adjourned.

Respectfully submitted,

Billie J. Berry
Staff to the Commission

For

Danna M. Quinn
Secretary to the Commission

Next Meeting: Tuesday, March 6, 2018 @ 2:00 p.m. in the Tang Conference Room