

**Judicial Merit Commission – Regular Quarterly Meeting  
Tang Conference Room, Law Library, Third Floor  
101 West Jefferson, East Court Building  
Friday, March 15, 2019**

**General Session Meeting Minutes**

The Judicial Merit System Commission met on Friday, March 15, 2019, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room, located at 101 W. Jefferson Street, East Court Building, 3<sup>rd</sup> Floor.

**I. Meeting Convened**

The meeting was called to order at 2:08 p.m. with the following Commissioners in attendance: Commissioners Craig Waugh (Chair), Yvonne Hunter, Lauren Eiler (telephonic), and Kristin Hoffman (telephonic). Also in attendance were Jennifer Fish, Secretary to the Commission, and Billie Berry, Human Resources Associate.

**II. Approval of the Minutes**

Commissioner Waugh called for a motion to approve the minutes of the 4 December 2018, Quarterly Meeting.

**Motion: Commissioner Hunter moved to approve the Quarterly General Session Minutes of 4 December 2018.**

**Commissioner Eiler seconded the motion. The motion passed by a vote of all in favor, none opposed, and no abstentions.**

**III. Appeals for Notification of Status**

Secretary Fish reported a Settlement Agreement was entered into in the appeals of *Terrence Sims v. Juvenile Probation* and *Harman Wadia v. Juvenile Probation*. As a result, both Appellants withdrew their appeal and resigned in lieu of termination.

**IV. Appeals Pending Hearing/Decision**

Secretary Fish reported a hearing was convened on January 16, 2019, and continued to February 25, 2018 in the appeal of *Cecilia Ballesteros v. Juvenile Probation Department*. Secretary Fish reported Human Resources is awaiting receipt of the Hearing Officer's Findings and Recommendation.

Staff reported a delay in receipt of the transcript of the hearing from the Court Reporter and received communication it would be forthcoming on March 18, 2019.

**V. Proposed Changes to Judicial Merit System Resolution and Rules, Hearing Officer's Handbook, and Appellant's Guide**

Commissioner Waugh stated he has additional work to do on the revised documents before circulating them to the Commission for comment.

Commissioner Eiler stated that as indicated at the December 4, 2018 meeting, she researched the definition of Armed Forces and reported that State Law Provision 26.168 relates to leave for military duty, and there is also a definition of Armed Forces in 10 U.S.C. §101. Commissioner Eiler reported that both statutes reference the National Guard and are consistent with each other.

Staff provided additional background information and responses to the Commission's research questions from the previous meeting. Research confirmed that the Hearing Officer's Handbook was modeled after the County's Hearing Officer Guide and drafted by the Court and adopted by the Commission at its establishment.

Commissioner Hunter inquired whether the Commission has authority to make changes to the Hearing Officer's Handbook without further approval.

Commissioner Waugh stated that would be a question for the Commission's legal counsel, Scot Claus, for his recommendation. Commissioner Waugh further stated in accordance with guidance the Commission received from its outside counsel in 2009, specifically regarding the Hearing Officer's Handbook, the Commission does have authority to change the Handbook because the Handbook does not have the authority or power of the Rules, it is simply a guide. Commissioner Waugh stated that in response to the Commission's same question regarding the Appellant's Guide, which was also drafted by Court staff and adopted by the Commission, in his opinion, counsel's guidance regarding the Hearing Officer's Handbook would also apply for the Appellant's Guide as well, however, he will confirm same with Mr. Claus.

Discussion also ensued regarding information staff provided on the different type of motions that have been received in several previous appeals.

**VI. Annual Report to the Commission**

Secretary Fish reported on the Annual Report and stated it included a number of general overviews regarding Special Projects throughout the year and an Executive Summary of the Court. The report also included numbers regarding the Court's workforce data and reflected changes during the last few years for the departments that have positions that fall under the Judicial Merit System Rules. Secretary Fish also reported on the Discipline and Disputes breakdown which included detail regarding the types of disciplinary actions the Court encountered during the fiscal year, whether or not those actions were appealed, and the outcome of those appeals in comparison to the previous year. Additionally, Secretary Fish reported that the report provided some non-JMR related dispute data, such as Reprimands,

that were not at the level of an appeal, and EEOC charges as well. Lastly, Secretary Fish reported that the Court has gradually increased its Employee Class positions under the Classified Personnel Rules, while positions covered by the Judicial Merit System Rules have decreased. Secretary Fish reported that the number of unclassified positions that do not fall under either set of Rules have also increased. Secretary Fish reported that since this is a fiscal year report, going forward, staff will present the Annual Report at the next Commission meeting following the close of the June 30 fiscal year.

Commissioner Waugh noted that the comparison of decreases in staff between the Judicial Merit System Rules and the Classified Personnel Rules are not traumatic. In addition, Commissioner Waugh noted consistency between the events for FY16/17 and FY17/18. The Commission thanked staff for the report.

**VII. Executive Session**

No Executive Session was held at this meeting.

**VIII. 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. Continued discussion of Proposed Changes to the Judicial Merit System Rules, Hearing Officer's Handbook, and Appellant's Guide.
2. Ballesteros v. Juvenile Probation Department – Decision on Appeal.

**IX. Meeting Adjournment**

Commissioner Waugh adjourn the meeting.

Respectfully submitted,

Billie J. Berry  
Staff to the Commission

For

Jennifer L. Fish  
Secretary to the Commission

**Next Meeting: Tuesday, June 4, 2019 @ 2:00 p.m. in the Tang Conference Room**