

Judicial Merit System Commission- Regular Quarterly Meeting

Cordova Conference Room, Third Floor

101 West Jefferson, East Court Building

Tuesday, September 15, 2020

General Session Meeting Minutes

The Judicial Merit System Commission met on Tuesday, September 15, 2020 for its regularly scheduled quarterly meeting. The meeting was conducted virtually, with staff in the Cordova Conference Room, located at 101 W. Jefferson Street, East Court Building, 3rd Floor with all other attendees appearing via GoToMeeting.

I. Meeting Convened

The meeting was called to order 2:06 at p.m. with the following Commissioners in attendance: Commissioners Craig Waugh (Chair), Yvonne Hunter, Lauren Eiler, Stephen Burg and Roger Geddes. Also, in attendance was Jennifer Fish, Secretary to the Commission, Mark Wilson, Human Resources Manager, and Maria Washburn, Human Resources Associate. Chair Waugh asked if the proposed revisions to the March minutes had been circulated, after which Maria Washburn emailed them to each of the commissioners.

II. Approval of the Minutes

Chair Waugh mentioned that the March 3, 2020 minutes needed some corrections as follows:

- In the second line of the minutes, removed “quarterly meeting,” for clarity.
- Chair Waugh mentioned that the motion to approve the prior meeting minutes was incorrect as all the commissioners were present and the motion was passed with four in favor, one abstention instead of “Chairman Waugh seconded the motion. The motion passed by a vote of three in favor, none opposed and one abstention.”
- Chair Waugh also mentioned that the General Session minutes and Executive session minutes must be kept separated to protect them from being public. In the Executive session it states, “The Motion was passed with all in favor, none opposed and no abstentions.” Chair proposed that it be changed to “The Motion was seconded and passed with all in favor, none opposed and no abstentions.”
- Chair Waugh also noted that the following sentence can remain under Executive Session in the General Session Minutes “With all in favor and no

abstentions, the motion carried, and executive session commenced,” but recommended the language beginning with “Scot Claus” and ending with the page with the word “accordingly” need to be on the Executive Session Minutes.

- In the last paragraph, “The Chair made a Motion that the Commission’s proposed changes...” was recommended by Chair Waugh to remain in the General Session Minutes.
- Needed to capitalize “judge” in the reference to the motion.
- The sentence beginning with “Let the record reflect that” should be started with “The Motion carried.”
- Commissioner Hunter also proposed change regarding “Motion and seconded” since the person that seconded the motion was not identified in the Minutes changing it to “The Motion was seconded and carried with all in favor with none opposed and no abstentions.”
- The last section “Meeting Adjourned”, Chair Waugh suggested for consistency we add “The motion was seconded and passed with all in favor.”

Motion: Commissioner Hunter made a motion to approve and adopt the Minutes as amended based on written and verbal discussion.

Commissioner Eiler seconded the motion. The motion was approved with all in favor and no abstentions and no oppositions.

Chair Waugh then went on to discuss the minutes of the June 9, 2020, also identifying corrections to be made as follows:

- Chair mentioned that there are some spaces under Section I that should be removed as it is a formatting issue.
- In the third paragraph under Section II, “Proposed Changes to the Judicial Merit System Resolution and Rules, Hearing Officer’s Handbook, Appellant’s Guide.” Chair Waugh proposed to remove “referenced previously” after the end of the last sentence.
- Chair Waugh proposed to clarify that the language under Section III of the minutes by adding the following verbiage: “The commission is considering proposing changes to the Resolution and Rules that would state: “the Appointing Authority shall” so the entire sentence would read: “The commission is considering proposing changes to the Resolution and Rules that would state: ‘the Appointing Authority shall’ endeavor to conduct and complete the investigation within 30 business days.”

- Commissioner Hunter wanted to make a motion to approve and adopt the minutes, but Chair Waugh noticed that under Section V, there is nothing written under Appeals Pending Decision and proposed to insert the word “none”.
- For the last section, Meeting Adjourned, Chair Waugh would like to revise the sentence to say “Motion: Commissioner Waugh moved to adjourn the meeting, motion was seconded, and Commission approved it unanimously.”
- Commissioner Burg mentioned that while he doesn’t think the minutes need to be amended, for future reference we identify the time that the meeting was adjourned for uniformity.
- With those last two points added, Chair Waugh asked Commissioner Hunter if she would like to remake her motion, to which Commissioner Hunter agreed.

Motion: Commissioner Hunter makes a motion to approve and adopt the Minutes as amended based on written and oral communications in this meeting.

Commissioner Burg seconded the motion. The motion was approved with all in favor and no abstentions and no oppositions.

III. Proposed Changes to the Judicial Merit System Resolution and Rules, Hearing Officer’s Handbook, Appellant’s Guide.

Chair Waugh mentioned that last meeting the Commission had moved to adopt the proposed changes and are now trying to finalize the Resolution and Rules’ proposed changes to make to the Presiding Judge. Chair Waugh asked if Commissioner Hunter was able to get in touch with the Commission’s counsel, Scot Claus to work on some revised language to Resolution section fourteen and Rules 10.03. Commissioner Hunter mentioned that she was scheduled to meet with him once but unfortunately, she was unable to meet with him at that time and after which his schedule was booked with other matters. Commissioner Hunter mentioned that she was unsuccessful at getting any response to any emails seeking his input. Chair Waugh stated that he had spoken to Scot Claus the day prior and invited him to attend telephonically but his schedule conflicted with the time of the meeting. Chair Waugh said he expects that he can probably make progress via email and that Scot Claus had invited him to send a copy of the language that the Commission is considering sending to the Presiding Judge. Chair Waugh asked that once the Commission gets feedback, he would like to set up a meeting before December to see if the draft language can be finalized and see if the draft letter can be approved to go to the Presiding Judge with the Resolution and Rules changes, so the Commission does not have to wait three months until the

next meeting. Commissioner Hunter said she would make sure she is available to meeting after a proposed time has been set. Commissioner Hunter mentioned that some of the adjustments that were made to still honor the work that staff has done in terms of the practical application of the rules, to avoid putting staff in a predicament they cannot manage by adding firmer language and asked staff for clarification about Notice of Charges. Mark Wilson explained that during the investigation process staff may have conversations with the employee and then from there and after those conversations, it is when the Notice of Charges is shown to the employee if the Notice of Charges is rendered. Jennifer Fish clarified that the Notice of Charges is intended to be a formal notification to the employee that they are under investigation and can be subject to discipline and that the investigation is conducted on behalf of the Appointing Authority, although Human Resources may be involved minimally for more technical violations that the department would be better familiar with.

IV. Appeals for Notification Status

Secretary Fish reported the appeal of termination filed by *Yadhira Moreno Miller vs Justice Courts* had resolved as Ms. Moreno Miller had reached a settlement agreement and has resigned in lieu of termination and withdrew her appeal.

V. Appeals Pending Decision

None.

VI. Call to the Public

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

VII. Meeting Adjourned

Motion: Commissioner Waugh moved to adjourn the meeting. Commissioner Burg seconded the motion. The motion was approved with all in favor and no abstentions and no oppositions. The meeting concluded at 2:41 PM.