

MINUTES
PERSONNEL APPEALS PRE-HEARING
APPELLANT: Jennifer Holder-Schoolcraft
Monday, September 21, 2020

A Pre-Hearing regarding the appeal of dismissal by Jennifer Holder-Schoolcraft was held at 4:02 p.m., Monday, September 21, via video conference.

MEMBERS PRESENT

Nick McLain, Personnel Appeals Board Chair Tracy Hurt, Board Secretary
Justin Pierce, Counsel for the City
Kathryn Hackett King, Board Counsel
Jennifer Holder-Schoolcraft, Appellant

The meeting was called to order at 4:02 p.m. by Mr. McLain, Appeals Board Chair.

The first order of business was to review the list of witnesses and exhibits submitted by each party.

Mr. Pierce opposed the witness statement provided by Ms. Holder-Schoolcraft being included since there could be no cross examination. In addition, he noted it is unsigned and dated 2018 so it was not prepared for the Board and does not have indicia of reliability.

Ms. Holder-Schoolcraft asked if it would be admissible if she got a signature, and she explained the date of the letter is wrong and should be 2019. She indicated that the employee is afraid of retaliation should she appear as a witness at the hearing.

Mr. Pierce explained that fear of retaliation cannot be a reason to allow a statement in lieu of testimony because the witness needs to be subject to cross examination.

Ms. Holder-Schoolcraft asked if there was an opportunity to add the witness to the list should she agree to testify.

Mr. Pierce had no objection to adding the individual as a late-disclosed witness. He indicated he would need to know whether she would testify in-person within the next week. Mr. Pierce inquired if Ms. Holder-Schoolcraft is expecting to testify herself since she is not represented by a lawyer and she confirmed she would be testifying.

Mr. McLain asked if Ms. Holder-Schoolcraft preferred the hearing to occur in an open public meeting or in executive session, noting it may make it easier for the witness to appear if it was not an open public meeting. Mr. Pierce noted that even if a hearing occurred in executive session, he would still have a representative present from the work group during the hearing.

Mr. McLain advised Ms. Holder-Schoolcraft that she would have the until close of business on September 28, 2020 to notify Ms. Hurt with her preference regarding whether the hearing would occur in an open public meeting or in executive session and the witness addition.

Witness List

Witness Name	Anticipated testimony	Time Needed to testify
The City of Mesa lists the following witnesses		Subtotal City Time Needed
	Sheri Collins	2.5
	Scott Bouchie	
	R.J. Zeder	
The Appellant lists the following witnesses		Subtotal Appellant Time Needed
	Jennifer Holder-Schoolcraft	1.5
Total Time Needed for Witness Testimony (hrs.)		4.0

Exhibits

The unsigned witness statement provided by Ms. Holder-Schoolcraft will be removed from the exhibits. There were no additional objections to the exhibits provided. The parties were advised that if there are any objections regarding the admissibility of evidence or other procedural motions, they can file a pre-hearing motion within 10 calendar days after the pre-hearing conference.

Mr. McLain asked if both parties agreed that the issue to be addressed at the Hearing is whether the termination was supported by just cause. Ms. Holder-Schoolcraft and Mr. Pierce agreed on the issue.

There being no additional items for discussion, the pre-hearing ended at 4:15 p.m.

Board Chair, Nick McLain

Date

Tracy Hurt, Secretary to the Board

Date

Counsel for the City, Justin Pierce

Date

Appellant, Jennifer Holder-Schoolcraft

Date