

APPROVED MINUTES  
PERSONNEL APPEALS HEARING  
APPELLANT: Jennifer Holder-Schoolcraft  
Wednesday, October 21, 2020  
Zoom Meeting – Closed Hearing per Appellant Request

A hearing regarding the appeal of dismissal by Jennifer Holder-Schoolcraft was held at 8:00 a.m., Wednesday, October 21, via Zoom video conference.

INDIVIDUALS PRESENT DURING HEARING

Nick McLain, Personnel Appeals Board Chair  
Jon Nielson, Personnel Appeals Board Member  
Patrick Braatz, Personnel Appeals Board Member  
Nancy van Tellingen, Personnel Appeals Board Member  
Kathryn Hackett King, Board Counsel  
Justin Pierce, Counsel for the City  
Jennifer Holder-Schoolcraft, Appellant  
Scott Bouchie, Witness  
Sheri Collins, Witness  
RJ Zeder, Witness  
Tracy Hurt, Board Secretary

The meeting was called to order at 8:03a.m. by Mr. McLain, Appeals Board Chair.

Mr. McLain asked for introductions and list of witnesses by counsel for the City and the Appellant. Mr. Pierce listed his witnesses as Sheri Collins, Scott Bouchie, and RJ Zeder. Ms. Holder-Schoolcraft introduced herself as the Appellant and indicated she would have no witnesses.

Mr. McLain read the minutes of the pre-hearing held on September 21, 2020, gave the Board instructions regarding the order of the hearing and their ability to ask questions of the witnesses, and asked Ms. Hurt to be the timekeeper.

In the City's opening statement, Mr. Pierce gave an overview of the types of progressive discipline that one might expect to correct performance issues and explained the progressive discipline received by the Appellant, Ms. Holder-Schoolcraft. Mr. Pierce explained that every opportunity had been given by the department to allow Ms. Holder-Schoolcraft to correct her performance deficiencies, and the decision to terminate Ms. Holder-Schoolcraft was only made after major efforts over a long period of time failed to correct her performance deficiencies. Mr. Pierce asked that the Board uphold the termination.

Ms. Holder-Schoolcraft proceeded with her opening statement. Ms. Holder-Schoolcraft explained that her termination was without just cause and violated Management Policy 354 – Professional Conduct regarding fairness and respect in interpreting and applying City policies consistently, fairly and without favoritism. Ms. Holder-Schoolcraft also noted that although she did make some mistakes, this did not provide just cause for her termination from the City of Mesa.

The first witness was Sheri Collins, former supervisor of Ms. Holder-Schoolcraft. Mr. Pierce and Ms. Holder-Schoolcraft both questioned Ms. Collins. In questioning, Ms. Collins addressed her memo to recommend dismissal of Ms. Holder-Schoolcraft (City Exhibit 1), including documentation of checks

that were received by Ms. Holder-Schoolcraft and not processed timely according to City and department policy; Ms. Holder-Schoolcraft's failure to verify information prior to processing checks; Ms. Holder-Schoolcraft's failure to follow direction from her supervisor and unprofessional communication with her supervisor; Ms. Holder-Schoolcraft's failure to meet deadlines and failure to adhere to the requirements of her Corrective Action Plan (CAP); and other matters contained in the City's Exhibit 1. Ms. Collins indicated that after the Corrective Action Plan and "Needs Improvement" rating on Ms. Holder-Schoolcraft's most recent Performance Appraisal Form (PAF), there was no improvement in her work performance. Ms. Collins stated that she felt she had considered other options for some time, had exhausted many resources as noted in the City's Exhibit 1, and although dismissal was not taken lightly or something that she necessarily wanted to do, she felt that there was no other option. Board members Mr. McLain, Mr. Braatz, Ms. van Tellingen, and Mr. Nielson asked Ms. Collins questions about her background as a supervisor, her supervision of Ms. Holder-Schoolcraft, her expectations of Ms. Holder-Schoolcraft, Ms. Holder-Schoolcraft's job performance, and Ms. Holder-Schoolcraft's absences.

The second witness was Scott Bouchie, the City of Mesa's Environmental Management and Sustainability Director. Mr. Pierce and Ms. Holder-Schoolcraft both questioned Mr. Bouchie. Mr. Bouchie stated that Ms. Collins had come to him with concerns regarding Ms. Holder-Schoolcraft's job performance and he also observed her duties not being completed properly, and he received and approved of Ms. Collins' recommendation to terminate Ms. Holder-Schoolcraft. Board members Mr. Nielson and Mr. McLain asked Mr. Bouchie questions about the decision to terminate Ms. Holder-Schoolcraft and the progressive discipline process.

The third witness was RJ Zeder, the City of Mesa's Transportation Department Director. Mr. Pierce and Ms. Holder-Schoolcraft both questioned Mr. Zeder. Mr. Zeder addressed his service as the hearing officer in a pre-deprivation hearing related to the proposed termination of Ms. Holder-Schoolcraft. The Board members did not have additional questions for Mr. Zeder.

Mr. McLain asked Ms. Holder-Schoolcraft if she would like to testify and Ms. Holder-Schoolcraft said that she did not wish to testify.

Mr. Pierce presented the City's closing statement. Mr. Pierce explained that Ms. Holder-Schoolcraft was given many opportunities to improve, but she made consistent mistakes and refused to improve and take responsibility for those mistakes and change the behavior. Mr. Pierce said that she even became combative and responded in ways that were not appropriate, such as walking away and saying, "write me up for that one too." Mr. Pierce requested that the Board recommend to the City Manager that this termination be upheld in the best interest of the City and the department.

Ms. Holder-Schoolcraft presented her closing statement. Ms. Holder-Schoolcraft explained that she is hopeful that the Board will see that her termination was without just cause and there were inconsistencies by Ms. Collins in the documentation, which Ms. Holder-Schoolcraft indicated questions the reliability and accuracy of the information. Ms. Holder-Schoolcraft also stated that she performed work for another supervisor for over a year and a half with no infractions or complaints, which supports that she was not ineffective or inefficient in the performance of her duties. Ms. Holder-Schoolcraft said that although she did make some mistakes, she does not believe these mistakes warranted termination of her employment. Ms. Holder-Schoolcraft requested that her termination of employment from the City of Mesa be dismissed.

Mr. McLain thanked both parties for their presentations and gave instruction to the Board members on the process that would follow:

The Board would go into Executive Session to deliberate and if Ms. Holder-Schoolcraft and the City's counsel, Mr. Pierce attended the Executive Session they may not make any additional statements or comments to the Board.

Mr. McLain noted that neither the Board nor the Secretary shall notify anyone of the Board's determination before notification to the parties. He reminded the Board that the standard of proof is whether the preponderance of the evidence establishes the facts underlying the disciplinary action and if so, whether the discipline was arbitrarily imposed or taken without cause. He instructed the Board to base its decision solely on the evidence it received at this hearing.

After the Board has discussed and considered the matter it shall render its vote. The Board may recommend any of the following:

- Uphold the City's action
- Reinstate the employee with all back pay and benefits
- Or make recommendations for a lesser penalty

Within five days of taking this vote, the Board Chair will provide the Board Secretary the advisory opinion to be submitted to the City Manager.

The Board entered Executive Session for deliberation at 10:24am.

After deliberation, the Board returned to open session to vote at 10:31am. The Board voted as follows:

Jon Nielson:	Voted to uphold the termination
Patrick Braatz:	Voted to uphold the termination
Nancy van Tellingen:	Voted to uphold the termination
Nick McLain:	Voted to uphold the termination

The hearing ended at 10:36am.