



**MARICOPA COUNTY  
MERIT SYSTEMS COMMISSION  
Employee Merit System  
and  
Law Enforcement Officers' Merit System**

**GENERAL SESSION**

**MEETING MINUTES**

**February 12, 2019**

**Board of Supervisors Conference Room  
301 W. Jefferson Street, 10<sup>th</sup> Floor, Phoenix, AZ 85003**

***EMPLOYEE MERIT SYSTEM COMMISSION***

Chairman Larry Pickard convened the Merit Systems Commission in General Session at 1:30 p.m., Commissioner Casey Blais, District 1, was present and Commissioner Sean Lake, District 2 and Rebekah Friend, District 5 attended via conference phone. Also present: Justin Pierce, Merit Commission Legal Counsel; Jan Plank, HR Director; and Keri March, Merit Systems Commission Coordinator.

Upon convening the session, Chairman Pickard moved to the first item on the agenda.

**1. Appointment of the Chairman and Vice Chairman for the 2019**

**calendar year.** Commissioner Blais made a motion to nominate Larry Pickard for Chairman. Commissioner Lake seconded the motion. Motion carried with four (4) ayes and zero (0) nays. Chairman Pickard made a motion to nominate Casey Blais for Vice Chairman. Commissioner Lake seconded the motion. Motion carried with four (4) ayes and zero (0) nays.

**2. Approval of the December 11, 2018 Employee Merit System (EMS)**

**Commission General Session meeting minutes.** Commissioner Lake made a motion to approve the Employee Merit System Commission General Session meeting minutes as submitted. Commissioner Blais seconded the motion. Motion carried with four (4) ayes and zero (0) nays.

**3. PEREZ V. SHERIFF'S OFFICE**

The time set for consideration by the Employee Merit System Commission of the Hearing Officer's Finding of Fact, Conclusions of Law, and Recommendations for the following appeal:

<b>MC FY19-E01</b>	<b>Graciela Perez</b>
<b>Disciplinary Action:</b>	<b>8 hour Suspension</b>
<b>Appellant's Representative:</b>	<b>Benjamin Fisk, Maricopa County Law Enforcement Association</b>
<b>Respondent's Attorney:</b>	<b>Kate Baker, Green &amp; Baker</b>
<b>Hearing Officer:</b>	<b>Harold Merkow</b>
<b>HO Recommendation:</b>	<b>Appeal be denied; discipline be sustained</b>

Ms. Perez appealed her suspension with the Sheriff's Office. Kathryn Baker representing the Sheriff's Office, was present for the meeting. Appellant Ms. Perez and the Appellant's Representative, Mr. Fisk were not present.

Chairman Pickard invited Ms. Baker to address the Commission as the representative for the Respondent. Ms. Baker addressed the Commission and asked that they uphold the hearing officer's recommendation which was to deny the appeal and sustain the 8 hour suspension. Ms. Baker presented a brief synopsis of the appeal and concluded by asking the commission to uphold the discipline.

Chairman Pickard asked if Ms. Perez was present or her representative. No one responded.

Chairman Pickard invited questions from the Commission. As there were no questions, Chairman Pickard called for a motion.

Commissioner Blais made a motion that the Maricopa County Employee Officers Merit System Commission adopt the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations as its own and deny the appeal of Officer Perez. Commissioner Friend seconded the motion. The motion carried unanimously with four (4) ayes and zero (0) nays.

#### **4. CLEVENGER V. SHERIFF'S OFFICE**

The time set for consideration by the Employee Merit System Commission of the Hearing Officer's Finding of Fact, Conclusions of Law, and Recommendations for the following appeal:

<b>MC FY19-E02</b>	<b>Stance Clevenger</b>
<b>Disciplinary Action:</b>	<b>Termination</b>
<b>Appellant's Representative:</b>	<b>None</b>
<b>Respondent's Attorney:</b>	<b>Christina Hamilton</b>
<b>Hearing Officer:</b>	<b>Douglas Erickson</b>

**HO Recommendation:**

**Appeal be dismissed; discipline be sustained**

Mr. Clevenger appealed his suspension with the Sheriff's Office. Christina Hamilton representing the Sheriff's Office, was present for the meeting. Appellant Mr. Clevenger was not present.

Chairman Pickard invited Ms. Hamilton to address the Commission as the representative for the Respondent. Ms. Hamilton addressed the Commission and asked that they accept the hearing officer's recommendation which was to grant respondent's motion to dismiss. Ms. Hamilton stated that the appellant did not show up for the hearing. The Sheriff's office filed a motion to dismiss prior to the hearing. Chairman Pickard asked Ms. Hamilton if there was anything else she would like to add. Ms. Hamilton stated that in the alternative the hearing officer recommended that the appeal be dismissed and the termination be upheld.

Chairman Pickard asked if Mr. Clevenger was there and wished to address the commission. No one responded.

Chairman Pickard called for a motion or discussion if needed.

Commissioner Blais made a motion that the Maricopa County Employee Merit System Commission adopt the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations as its own and dismiss the appeal of Mr. Clevenger. Commissioner Lake seconded the motion. The motion carried unanimously with four (4) ayes and zero (0) nays.

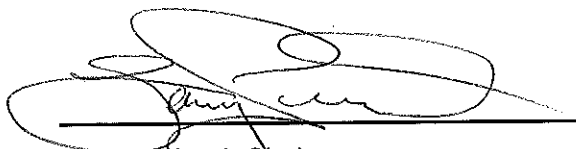
**5. Status of Employee Merit System Appeals**

Ms. March reported that there are currently three (3) appeals pending for the Employee Merit System two (2) are projected to be heard in May and, one (1) in June.

**6. Employee Merit System Call to the Public**

Public comment on matters pertaining to the Employee Merit System Commission.

Chairman Pickard adjourned the meeting at 1:38 p.m.

  
Larry Pickard, Chairman  
Merit Systems Commission

  
Keri March, Commission Coordinator  
Merit Systems Commission



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***LAW ENFORCEMENT OFFICERS' MERIT SYSTEM COMMISSION***

Chairman Larry Pickard convened the Law Enforcement Officers' Merit Systems Commission General Session at 1:38 p.m., Commissioner Casey Blais, District 1, was present, Sean Lake, District 2 and Rebekah Friend, District 5 attended via conference phone. Also present: Justin Pierce, Merit Commission Legal Counsel; Jan Plank, HR Director; and Keri March, Merit Systems Commission Coordinator.

Upon convening the session, Chairman Pickard moved to the first item on the agenda.

**1. Appointment of the Chairman and Vice Chairman for the 2019 calendar year.**

Commissioner Blais made a motion to keep the same appointed Chairman and Vice Chairman elected during the Employee Merit Commission Meeting. Chairman Larry Pickard was elected Chairman and Commissioner Blais was elected Vice Chairman. Commissioner Lake seconded the motion. The motion carried with four (4) ayes and zero (0) nays.

**2. Approval of the December 11, 2018 Law Enforcement Officers' Merit System (LEOMS) Commission General Session meeting minutes**

Commissioner Blais made a motion to approve the Law Enforcement Officers' Merit System Commission General Session meeting minutes as submitted. Commissioner Friend seconded the motion. Motion carried with four (4) ayes and zero (0) nays.

**3. ANTWILER V. SHERIFF'S OFFICE**

The time set for consideration by the Law Enforcement Officers' Merit System Commission of the Hearing Officer's Finding of Fact, Conclusions of Law, and Recommendations for the following appeal:

**MC FY19-L02**

**Miles Antwiler**

<b>Disciplinary Action:</b>	<b>8 HR Suspension</b>
<b>Appellant's Representative:</b>	<b>Chad Smith, Yen, Pilch, Landeem</b>
<b>Respondent's Attorney:</b>	<b>Christina Hamilton</b>
<b>Hearing Officer:</b>	<b>Amy Lieberman</b>
<b>HO Recommendation:</b>	<b>Appeal be denied; discipline be sustained</b>

Mr. Antwiler appealed his suspension with the Sheriff's Office. Christina Hamilton, County Attorney, representing the Sheriff's Office, was present for the meeting. Appellant Mr. Antwiler and his attorney, Chad Smith were not present.

Chairman Pickard invited Ms. Hamilton to address the Commission as the representative for the Respondent. Ms. Hamilton addressed the Commission and asked that they adopt the hearing officer's recommendation to uphold the 8 hour suspension and deny the appeal. Ms. Hamilton presented a brief synopsis of the appeal.

Chairman Pickard asked if Mr. Antwiler was present or his representative. No one responded.

Commissioner Blais made a motion that the Maricopa County Law Enforcement Officers Merit System Commission adopt the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations as its own and deny the appeal of Miles Antwiler. Commissioner Lake seconded the motion. The motion carried unanimously with four (4) ayes and zero (0) nays.

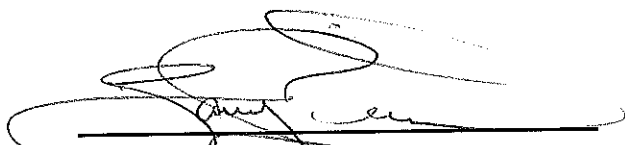
### **3. Status of Law Enforcement Officers' Merit System Appeals**

Ms. March reported that there are currently five (5) appeals pending for the Law Enforcement Officers Merit System two (2) for April and (3) in June. Commissioner Blais asked if there was going to be a meeting in March. Chairman Pickard asked Ms. March if there was anything on the agenda, Ms. March confirmed there was not. Chairman Pickard stated there would not be a meeting in March.

### **4. Law Enforcement Officers' Merit System (LEOMS) Call to the Public**

No one responded to the call to the public.

Commissioner Lake made a motion to adjourn the meeting, Commissioner Blais seconded the motion. Chairman Pickard adjourned the meeting at 1:42 p.m.

  
Larry Pickard, Chairman  
Merit Systems Commission

  
Keri March, Commission Coordinator  
Merit Systems Commission