

1. Personnel Appeals Board Hearing 06/30/2020 - Agenda

Documents:

[PAB AGENDA 06302020.PDF](#)

1.1. Personnel Appeals Board Hearing 06/30/2020 - Agenda With Actions

Documents:

[NOTICE OF HEARING 063202020 AGENDA WITH ACTIONS.PDF](#)

1.1.i. Personnel Appeals Board Hearing 06/30/2020 - Minutes

Documents:

[HEARING MINUTES 06302020.PDF](#)

**NOTICE OF PUBLIC HEARING
CITY OF DOUGLAS
PERSONNEL APPEALS BOARD**

Pursuant to A.R.S. 38-431.02, notice is hereby given that the City of Douglas Personnel Appeals Board will conduct a hearing on a personnel action appeal by Jose Duarte, Police Department Employee. The hearing will take place on Tuesday, June 30, 2020, on or after 10:00 a.m.; located at City Hall Council Chambers, 425 Tenth Street, Douglas, Arizona.

AGENDA

1. Call to Order
2. Roll Call
3. Discussion / Decision to decide if any conflict of interest exists for pending hearing
4. Swearing in of witnesses
5. Presentation of evidence
6. Conduct the hearing on appeal of the demotion of Jose Duarte
7. Discussion/Presentation of Closing Arguments to be provided by the parties' representatives
8. Call for and conduct an executive session pursuant to A.R.S. 38-431.03 A (1) and (3).
9. Discussion/Decision to determine whether the City Manager had just cause to demote Mr. Jose Duarte.
10. Discussion/Decision to possibly consider and recommend alternative actions or decisions for the City Manager's consideration.
11. Adjournment

If authorized by a majority vote of the Personnel Appeals Board of the City of Douglas, the Board may adjourn the meeting at any time and move into Executive Session for legal advice on any agenda item, pursuant to A.R.S. 38-431.03 A (3). The Executive Session will be held immediately after the vote to go into Executive Session and will not be open to the public.

For further information, contact Rocio Garcia-Pedroza, Human Resources Manager at (520) 417-7326.

Posted at:
City Hall
Douglas Police Department
Douglas Library
www.douglasaz.org

Wednesday, June 24, 2020 @ 6:00p.m.



By: Rocio A Garcia-Pedroza, HR Manager

**NOTICE OF PUBLIC HEARING
CITY OF DOUGLAS
PERSONNEL APPEALS BOARD**

Pursuant to A.R.S. 38-431.02, notice is hereby given that the City of Douglas Personnel Appeals Board will conduct a hearing on a personnel action appeal by Jose Duarte, Police Department Employee. The hearing will take place on Tuesday, June 30, 2020, on or after 10:00 a.m.; located at City Hall Council Chambers, 425 Tenth Street, Douglas, Arizona.

AGENDA- WITH ACTIONS TAKEN

1. Call to Order 10:03 a.m.
2. Roll Call

	Present	Absent
Lawana Diffie	X	
Robyn Escarcega	X	
Guadalupe Mejia	X (phone)	
Vicky Merritt	X	
Gail Zamar	X	
3. Discussion / Decision to decide if any conflict of interest exists for pending hearing

Motion to establish no conflict of interest PASSED by a vote of 5-0
4. Swearing in of witnesses

Not an action item – no action taken
5. Presentation of evidence

Not an action item – no action taken
6. Conduct the hearing on appeal of the demotion of Jose Duarte

Not an action item – no action taken

Recess taken from 12:21pm to 1:56pm

Motion to go into Executive Session for the board to seek legal advice PASSED by a vote of 5-0. Executives Session held from 3:42pm to 4:05pm.
7. Discussion/Presentation of Closing Arguments to be provided by the parties' representatives

Not an action item – no action taken
8. Call for and conduct an executive session pursuant to A.R.S. 38-431.03 A (1) and (3).

Motion to NOT conduct an executive session PASSED by a vote of 5-0

9. Discussion/Decision to determine whether the City Manager had just cause to demote Mr. Jose Duarte.

Motion to uphold the demotion DID NOT PASS by a vote of 0-5

10. Discussion/Decision to possibly consider and recommend alternative actions or decisions for the City Manager's consideration.

Addendum Motion to recommend suspension without pay for 10 days PASSED by a vote of 5-0

Motion to consider and recommend alternative action PASSED by a vote of 5-0

11. Adjournment 5:06 p.m.

If authorized by a majority vote of the Personnel Appeals Board of the City of Douglas, the Board may adjourn the meeting at any time and move into Executive Session for legal advice on any agenda item, pursuant to A.R.S. 38-431.03 A (3). The Executive Session will be held immediately after the vote to go into Executive Session and will not be open to the public.

For further information, contact Rocio Garcia-Pedroza, Human Resources Manager at (520) 417-7326.

Posted at:
City Hall
Douglas Police Department
Douglas Library
www.douglasaz.org

Wednesday, July 1, 2020 @ 5:00p.m.

By: Rocio A Garcia-Pedroza, HR Manager



Personnel Appeals Board
Meeting Minutes
June 30, 2020

The City of Douglas Personnel Appeals Board conducted a hearing on a personnel action appeal by Jose Duarte, Police Department Employee. The hearing took place on Tuesday, June 30, 2020; located at City Hall Council Chambers, 425 Tenth Street, Douglas, Arizona.

1. Call to Order 10:03 a.m.

2. Roll Call	Present	Absent
Lawana Diffie	X	
Robyn Escarcega	X	
Guadalupe Mejia	X (phone)	
Vicky Merritt	X	
Gail Zamar	X	

3. Discussion / Decision to decide if any conflict of interest exists for pending hearing

Motion by Lawana Diffie, **second** by Vicky Merritt to establish no conflict of interest.
Roll Call: All members voted in favor. **MOTION PASSED**

4. Swearing in of witnesses

The following witnesses were sworn in by Lawana Diffie as a group: Jose Duarte and Kraig Fullen.

5. Presentation of evidence

The City submitted the investigative file into evidence and Mr. Jeff Jacobson (Mr. Duarte's representative) submitted an expert affidavit and Mr. Duarte's employee evaluations.

6. Conduct the hearing on appeal of the demotion of Jose Duarte

Juan Pablo Flores, City Attorney provided opening statements for the City of Douglas.

Jeff Jacobson, Attorney at Law provided opening statements on behalf of Jose Duarte.

First witness called to testify was Kraig Fullen. He was first questioned by Juan Pablo Flores and then cross examined by Jeff Jacobson.

Recess taken from 12:21pm to 1:56pm

Second witness called to testify was Jose Duarte. He was first questioned by Jeff Jacobson and then cross examined by Juan Pablo Flores.

Third witness called to testify was Stanley Kephart. This was conducted over the phone. Ms. Lawanna Diffie swore in the witness at this point. Ms. Kephart was first questioned by Jeff Jacobson and then cross examined by Juan Pablo Flores.

Motion by Lawana Diffie, **second** by Vicky Merritt to go into executive session for the board to seek legal advice.

Roll Call: All members voted in favor. **MOTION PASSED** at 3:42pm

Returned from executive session at 4:05pm.

7. Discussion/Presentation of Closing Arguments to be provided by the parties' representatives

Juan Flores, City Attorney provided the closing arguments for the City of Douglas.

Jeff Jacobson, Attorney at Law provided the closing arguments on behalf of Jose Duarte.

8. Call for and conduct an executive session pursuant to A.R.S. 38-431.03 A (1) and (3).

Motion by Vicky Merritt, **second** by Robyn Escarcega to NOT conduct an executive session.

Roll Call: All members voted in favor. **MOTION PASSED**

9. Discussion/Decision to determine whether the City Manager had just cause to demote Mr. Jose Duarte.

Motion by Vicky Merritt, **second** by Gail Zamar for the Personnel Appeals Board to uphold the demotion of Jose Duarte.

Roll Call: All members voted not in favor. **MOTION DID NOT PASS**

10. Discussion/Decision to possibly consider and recommend alternative actions or decisions for the City Manager's consideration.

Motion by Lawana Diffie, **second** by Gail Zamar to recommend an alternative action for the City Manager's consideration.

Addendum motion by Gail Zamar, **second** by Lawana Diffie for the alternative action for the City Manager's consideration to be suspension without pay for ten days.

Roll Call on **addendum motion**: All members voted in favor. **MOTION PASSED**

Roll Call on **original motion**: All members voted in favor. **MOTION PASSED**

11. Adjournment

Motion by Lawana Diffie, **second** by Gail Zamar to adjourn the meeting at 5:06 p.m. unanimously passed.

Prepared By:



Rocio Garcia-Pedroza
HR Manager