



**MERIT SYSTEM COMMISSION
LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

MINUTES
Open Meeting
Monday, April 15, 2019

Members Present:

John Fink, Chair
David P. Freund
Paul Rubin
Mike Hellon

Also Present Were:

Barry Corey	Counsel for the Commission/Council
Donna Tobias	Recording Secretary, Human Resources
Cathy Bohland	Director, Human Resources
Colin Smith	Division Manager, Human Resources
Aurora Hernandez	Human Resources
Daniel Jurkowitz	Deputy County Attorney, Pima County Attorney's Office
Jennifer Blum	Deputy County Attorney, Pima County Attorney's Office
Lt. James Murphy	Pima County Sheriff's Department
Sgt. Luis Cornidez	Pima County Sheriff's Department
Eric Cervantez	Pima County Sheriff Deputy's Association

The Open Meeting of the Pima County Merit System Commission was called to order by John Fink, Chair, at 1:30 p.m. All persons in attendance were asked to state their names for the record.

Item C. Approval of Minutes

Open Meeting Minutes of January 7, 2019

ACTION: Mr. Rubin made a motion to accept the Open Meeting minutes listed above as item C. Mr. Hellon seconded the motion. Motion passed unanimously.

ACTION: Mr. Freund made a motion to go into Executive Session for the purpose of legal consultation with Barry Corey, Counsel to the Commission. Mr. Hellon seconded the motion. Motion passed unanimously.

The Commission recessed for Executive Session at 1:31 p.m. and re-convened at 2:06 p.m.

Mr. Fink stated that the Commission would hear Items F1 and F2 before Item D Other Business.

Item F. Appeal Hearing

Discussion and Action:

1. Martina Arvizu v Sheriff's Department
Dismissal Appeal Withdrawals

Page 2

ACTION: Mr. Freund made a motion to accept the withdrawal. Mr. Hellon seconded the motion. Motion passed unanimously.

Item F. Appeal Hearing

Discussion and Action:

2. Joseph Soto v Wastewater Reclamation Department
Dismissal Appeal Withdrawals

ACTION: Mr. Freund made a motion to accept the withdrawal. Mr. Hellon seconded the motion. Motion passed unanimously.

Item D. Other Business

Discussion and Action: Proposed Revisions to the Law Enforcement Merit System Rules

IV - ANNOUNCEMENTS APPLICATIONS AND EXAMINATIONS

LEMSR IV-13.F - proposing the addition of five (5) additional preference points for Corrections Officers with at least 36 continuous months of employment by the Sheriff's Department.

F ACTIVE CORRECTIONS OFFICERS: FIVE (5) ADDITIONAL PREFERENCE POINTS SHALL BE AWARDED TO ACTIVE CORRECTIONS OFFICERS EMPLOYED FOR AT LEAST 36 CONTINUOUS MONTHS BY THE PIMA COUNTY SHERIFF'S DEPARTMENT UPON APPLICATION FOR DEPUTY SHERIFF.

Lieutenant Murphy and Sergeant Cornidez presented the proposed revisions to LEMSR IV-13.F and discussion ensued.

Mr. Fink asked if anyone else had comments regarding this change. There was none.

ACTION: Mr. Rubin made a motion to accept the changes. Mr. Hellon seconded the motion. Motion passed unanimously.

IX - CLASSIFICATION PLAN

LEMSR IX - proposing removal of "Director of Human Resources" and replacing with "Sheriff" for recommendation of Classification Plan approval and adoption. This is based on the change of language under ARS § 38-1003 (effective August 1, 2018).

IX -1 NATURE OF PLAN

The Classification Plan as approved and adopted by the Law Enforcement Merit System Council, upon recommendation of the ~~Director of Human Resources~~ **SHERIFF**, shall include for each class of positions an appropriate title and a class specification. The Director of Human Resources shall maintain the official class specifications in the classification plan. The Law Enforcement Merit System Council may establish new classifications and ~~divide, combine, alter or~~ existing classifications based upon the recommendation of the ~~Director of Human Resources~~ **SHERIFF. THE LAW ENFORCEMENT MERIT SYSTEM COUNCIL MAY REVIEW STANDARDS AND QUALIFICATIONS FOR EXISTING CLASSIFICATIONS AND MAKE RECOMMENDATIONS TO THE DIRECTOR OF HUMAN RESOURCES.**

Lieutenant Murphy and Sergeant Cornidez presented the proposed revisions to LEMSR IX and discussion ensued.

John Fink stated he would like "existing classifications" changed to the exact wording of ARS § 38-1003 2.

The Law Enforcement Merit System Council may review standards and qualifications for **ALL POSITIONS THAT ARE CLASSIFIED** and make recommendations to the Director of Human Resources.

Discussion ensued.

Mr. Fink asked if anyone else had comments regarding this change.

Colin Smith explained how the department handles the classifications and said that because the Board of Supervisors had already approved the "Captain unclassified" classification, it was out of the Council's purview. He felt the verbiage should be left as the Sheriff presented it.

ACTION: Mr. Hellon made a motion to approve as amended. Mr. Rubin seconded the motion. Motion passed unanimously.

XVI - COMPENSATION PLAN

LEMSR XVI-I - proposing the addition of "Upon the recommendation of the Sheriff" regarding LEMSR's recommendation of schedules of salary and compensation to the Board of Supervisors. This based on the change of language under ARS § 38-1003 (effective August 1, 2018).

XVI-1 PURPOSE

UPON THE RECOMMENDATION OF THE SHERIFF, the Law Enforcement Merit System Council shall recommend to the Board of Supervisors schedules of salary and other compensation payable for each Officer classification.

Lieutenant Murphy and Sergeant Cornidez presented the proposed revisions to LEMSR XVI-I. Discussion ensued.

ACTION: Mr. Hellon made a motion to approve the proposed changes. Mr. Rubin seconded the motion. Motion passed unanimously.

VII-8 - ASSIGNMENT APPOINTMENTS

LEMSR VII-8.A - proposing the addition of the Captain-Unclassified position to the list of authorized assignment appointments by the Sheriff. Strike through "an internal competitive process" and replace with "a process as determined by the Sheriff".

- A. Vacancies in the classification of Bureau Chief **AND CAPTAIN-UNCLASSIFIED** shall be filled by assignment appointment of individuals from the appropriate commissioned officer classification in the classified service. Selection of individuals for the assignment appointment to Bureau Chief **AND CAPTAIN- UNCLASSIFIED** shall be made by the Sheriff, utilizing an ~~internal competitive process~~ **A PROCESS AS DETERMINED BY THE SHERIFF**. The individual selected shall be reviewed by Human Resources to ensure he/she meets the minimum **DESIRED** qualifications

of the classification of Bureau Chief **OR CAPTAIN-UNCLASSIFIED** prior to the assignment appointment being made.

LEMSR VII-8.B — proposing the addition of Captain-Unclassified

- B. Individuals on assignment appointments to the classification of Bureau Chief **OR CAPTAIN-UNCLASSIFIED** shall serve at the discretion of the Sheriff. No individual so appointed shall lose the regular previous classification held and the Sheriff shall ensure that a position in that previous classification is available for the individual to return to should the assignment appointment be ended.

LEMSR VII-8.E — proposing the addition of Captain-Unclassified

- E. Individuals serving on an assignment appointment as a Bureau Chief, ~~or~~ Chief Deputy **OR CAPTAIN-UNCLASSIFIED** shall still be able to compete for promotion to a classification higher than their regular classification held.

Lieutenant Murphy and Sergeant Cornidez presented the proposed revisions to LEMSR VII-8 A, B and E and discussion ensued.

Lieutenant Murphy and Sergeant Cornidez presented the proposed revisions and discussion ensued.

Colin Smith presented the Council with a copy of the Classification of Captain-Unclassified.

ACTION: Mr. Hellon made a motion to accept the changes. There was no second.

Discussion continued.

Mr. Fink asked if the Union had any opposition to the changes. Eric Cervantez, Pima County Sheriff Deputy's Association stated that when this position was created their concern was that this would not be a demotion but a termination if the person didn't work out.

Lieutenant Murphy explained that as it stood the Captain Unclassified position did not have any protection from termination but with this change, they would be able to go back to a classified position.

Mr. Cervantez stated that the union needed only needed some clarification on the proposed change and thanked the Council for the clarification. He said the union had no opposition.

ACTION: Mr. Hellon made a motion to accept the changes to VII-8.A VII-8.B and VII-8.E. Mr. Fink seconded the motion and the motion passed unanimously

I - DEFINITIONS

LEMSR I-8 - proposing the addition of the definition of "Assignment Appointment".

I-8 - ASSIGNMENT APPOINTMENT: THE OFFICIAL OFFER OF EMPLOYMENT TO A QUALIFIED EMPLOYEE, AND THE EMPLOYEE'S ACCEPTANCE, TO SERVE AT THE DISCRETION OF THE SHERIFF AS EITHER A BUREAU CHIEF OR CAPTAIN-UNCLASSIFIED IN ACCORDANCE WITH THESE RULES.

Lieutenant Murphy and Sergeant Cornidez presented the proposed revisions to LEMSR I-8 and discussion ensued.

ACTION: Mr. Rubin made a motion to accept the proposed changes. Mr. Freund seconded the motion. Motion passed unanimously.

ACTION: Mr. Hellon made a motion to adjourn the Open Meeting. Mr. Freund seconded the motion. Motion passed unanimously. The Commission adjourned at 3:16 pm.

The digital recording of the official proceedings and the minutes were prepared by the Recording Secretary.

Minutes approved on June 24, 2019.