



**PIMA COUNTY  
MERIT SYSTEM COMMISSION  
OPEN MEETING MINUTES OF SEPTEMBER 21, 2020**

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Commission Members Present:  
Mike Hellon, Chair  
David Freund  
John Fink

All persons in attendance were asked to state their names for the record.

Barry Corey	Attorney for the Commission
Richard Rollman	Representing the County
Kevin Kristick	Representing the County
Cathy Bohland	Human Resources Department
Mike Tully	Attorney for Appellant
Cory Dent	Appellant
Marchelle Pappas	Human Resources
Trina Bergen	Recording Secretary

The Open Meeting of the Pima County Merit System Commission was called to order by Mr. Fink, Chair, at 9:14 a.m.

**B. Pledge of Allegiance**

**C. Approval of Minutes**

1. Open Meeting Minutes of October 14, 2019
2. Open Meeting Minutes of October 15, 2019
3. Executive Session Minutes of November 14, 2019
4. Executive Session Minutes of December 5, 2019
5. Open Meeting Minutes of June 26, 2020
6. Executive Session Minutes of June 26, 2020

The minutes were reviewed.

**ACTION:** Mr. Freund made a motion to approve the Open Meeting Minutes of October 14, 15, 2019, and June 26, 2020. Also approved were the Executive Session Minutes of November 14, 2019, December 5, 2019, and June 26, 2020. Upon roll call vote, the Motion passed unanimously.

**Item D. Appeal Hearing**

1. *Discussion and Action: Coral Dent v Pima County Human Resources Department*  
Determine the specific issues to be argued by the parties.

**ACTION:** Mr. Fink made a Motion to go into Executive Session for legal advice from their legal attorney with regards to the upcoming appeal hearing of Coral Dent v Pima County Human Resources Department. Discussion pertaining to going into Executive Session ensued. Upon roll call vote, the Motion failed due to lack of a second.

Mr. Corey stated the appeal pertained to the demotion of Ms. Dent was resolved and no longer an issue for the Commission to consider. She was laid off, was it in lieu of a disciplinary action. Discussion ensued.

**ACTION:** Mr. Fink moved the Commission proceed with an evidentiary hearing to determine whether this Commission has jurisdiction to consider the Appellant's allegation that her layoff was in lieu of discipline which is in violation of Merit System Rule 11.4 which states "A layoff shall not be used in lieu of discipline." Mr. Hellon second the Motion. On a roll call vote, 3-0 the Motion passed unanimously.

Mr. Hellon read the jurisdiction statement. Mr. Freund made a Point of Order and Procedure. He stated the jurisdictional statement was not designed for this situation because it starts with "This is the time and place set the Jurisdiction Hearing on the Appeal..." the Commission has to decide if an appeal has been filed. Is there sufficient information in the documents to be considered an appeal, was it filed timely and if not filed timely was there good cause.

Mr. Hellon explained the previous discussions had an emerging consensus of finding out first if the documentation gives them jurisdiction. If they conclude it does, then they accept jurisdiction. If not, then determine the sequence of events if there is good cause for not providing the documentation within 10 working days.

Mr. Huckleberry, Ms. Bohland and Ms. Dent were sworn in by Mr. Corey, Counsel for the Commission. Mr. Corey explained the Rule of Privilege and informed them the Rule was invoked. Ms. Bohland is the Representative of the Department and Ms. Dent is the Appellant, both remained in the room.

**Ex. # Exhibit Name**

- 1 Pima County Human Resources Department Organization Charts, admitted.
- 2 April 3, 2020 Memorandum from Chuck Huckleberry, admitted.
- 3 April 10, 2020 Memorandum from Chuck Huckleberry, admitted.
- 4 April 14, 2020 Memorandum from Chuck Huckelberry, admitted.
- 5 April 27, 2020 Memorandum from Chuck Huckelberry, admitted.
- 6 April 30, 2020 Memorandum from Chuck Huckelberry, admitted.
- 7 May 4, 2020 Memorandum from Chuck Huckelberry, admitted.
- 8 May 19, 2020 Memorandum from Chuck Huckelberry, admitted.
- 9 June 2, 2020 Memorandum from Chuck Huckelberry, admitted.
- 10 May 12, 2020 Letter from Cathy Bohland, admitted.
- 11 May 12 Memorandum from Cathy Bohland, admitted.
- 12 May 12, 2020 Layoff Notice, admitted.
- 13 May 11, 2020 Lay off Plan, admitted.
- 14 May 13, 2020 Layoff Options Request Form, admitted.
- 15 Email from Cathy Bohland dated May 14, 2020, admitted.

Respondent's First Witness: Chuck Huckleberry, County Administrator, provided testimony in this hearing. The Commission asked if Mr. Huckleberry could return after the lunch break to continue his testimony and he agreed.

The Commission recessed for a lunch at 12:17 p.m. and reconvened at 1:30 p.m.

Respondent's First Witness: Chuck Huckleberry, County Administrator, returned to continue his testimony in this hearing.

Mr. Huckleberry was excused and Mr. Corey reminded him of the Rule. Mr. Hellon explained this is a jurisdictional hearing to determine if the Commission should hear this case. He also clarified opening statements are optional and the burden is on the Appellant. Mr. Tully began his arguments for proceeding with the Merit Hearing. Mr. Rollman stated his arguments for not proceeding with the hearing.

The Commission conducted their deliberation of this case and discussion ensued. Mr. Corey stated the Commission has the authority to make a decision either way dismiss for lack of jurisdiction or accept jurisdiction.

**ACTION:** Mr. Hellon moved denied the Dent appeal on the grounds that the issue of whether the grounds of the appellants lay off was in lieu of discipline in violation of Rule 11.4 is not properly before us. Mr. Freund second the motion. Upon roll call vote, the motion passed 2-1, with Mr. Fink voting no.

Mr. Hellon asked Mr. Corey to review the rules that pertain to this issue as there is a gap that needs to be covered. We need some attention to our rules.

**ACTION:** Mr. Freund made a motion to adjourn the Open Meeting. Mr. Fink seconded the motion. Motion passed unanimously. The Commission adjourned at 3:28 p.m.

The minutes were prepared by the Recording Secretary. Minutes approved on May 25, 2022.

/s/ Mike Hellon, Chair