



**PIMA COUNTY
MERIT SYSTEM COMMISSION
OPEN MEETING MINUTES OF DECEMBER 1, 2021**

**Continuation of
Daniel Waters v Pima County Facilities Management Department**

Commission Members Present:
Mike Hellon, Chair
David Freund, Vice-Chair
Sami Hamed

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

Paul Loucks	Counsel for the Commission
Ellen Brown	Deputy County Attorney for the Respondent
Jonathan Hildebrand	Pima County Attorney's Office
Laureen Pew	Pima County Attorney's Office
Carla Wilson	Pima County Attorney's Office
Lisa Josker	Director of Facilities Management
Merle Joy Turchik	Attorney/Representative for Appellant
Daniel Waters	Appellant
Joseph Shelley	Observer
Trina Bergen	Recording Secretary

The Open Meeting of the Pima County Merit System Commission was called to order by Mr. Hellon, Chair, at 9:05 a.m. Mr. Hellon asked if anyone had any preliminary matters. Ms. Turchik requested to admit the following Exhibits:

- | Exhibit # | Exhibit Name |
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| A. | Letters submitted to Pima County in support of Daniel Waters following Notice of Intent to Discharge, Bates Pima County 015-027. Admitted with objection. |
| B. | Letter dated June 8, 2021 from HR Director Cathy Bohland to Lisa Josker, Director Facilities, Bates Pima County 002. Admitted through Respondent's exhibit. |
| C. | Documents reflecting Daniel Waters attended the Mandatory Counseling Session on May 5, 2021, Pima County Confirmation of Attendance Form dated May 5, 2021, Bates Pima County 004 and June 2, 2021, email from Tucson Counseling to Dan Waters and Mike Moran, Bates Waters 0122-0123. Admitted without objection. |
| D. | Email chain from Daniel Waters to Eric Wattree, dated June 4, 2021, re: provider appointments re: Daniel Waters, Bates Waters 0107-08. Admitted without objection. |
| E. | Excerpts from Daniel Waters 2020 Day Minder, Bates Waters 0209, 0223, 0230, 0239-40, 0262-64, 0268-69. Admitted without objection. |
| F. | Email from Facilities Management Director Lisa Josker dated November 16, 2020, to Daniel Waters, Bates Waters 0029. Admitted without objection. |

Exhibit #	Exhibit Name (continued)
G.	Email from Daniel Waters to Facilities Management Director Lisa Josker dated April 16, 2021, re: Daniel Water-Daughters school update, Bates Waters 0070-0073. Admitted without objection.
H.	Letter dated November 10, 2021 from Laura Orosco, Discrimination Investigator III with the Industrial Commission of Arizona, Division of Occupational Safety and Health to Daniel Waters, Bates Waters 0001-0002.
I.	Photos and text message dated July 26, 2021 between Richard Allen and Daniel Waters, Bates Waters 0003-0006.
J.	Email from Daniel Waters to Cindy Madrid, Pima County Employment Rights Compliance Officer dated July 22, 2021, re: complaint of harassment regarding Daniel Waters, Bates Waters 0124. Admitted without objection.
K.	Email chain from Daniel Waters to Cindy Madrid, Pima County Employment Rights Compliance Officer dated July 28, 2021, re: complaint of harassment regarding Daniel Waters, Bates Waters 0133. Admitted without objection.
L.	Email chain from Daniel Waters to Octavio Barcelo, HR Supervisor, dated July 29, 2021, re: filing grievance for LOR- Daniel Waters, Bates Waters 0129-30. Admitted without objection.
M.	Email chain from Daniel Waters to Octavio Barcelo, HR Supervisor, dated July 29, 2021, re: complaint of harassment regarding Daniel Waters, Bates Waters 0131-32. Admitted without objection.
N.	Email from Daniel Waters to Octavio Barcelo, HR Supervisor, dated August 4, 2021, re: Question for DW, Bates Waters 0139. Admitted without objection.
O.	Excerpts from Daniel Waters 2021 Day Minder, Bates Waters 0289, 0316, 0327, 0330-31, 0333, 0339-40, 0350, 0352, 0373, 0394, 0417, 0428, 0430, 0450-52, 0462, 0466, 0474, 0486-87, 0495, 0500-01. Admitted without objection.

Respondent's First Witness: Ms. Brown re-direct Ms. Josker and she provided additional testimony on this hearing.

The Commission recessed for a break at 10:15 a.m. and reconvened at 10:26 a.m.

Respondent's Second Witness: Debra Mulvey, Special Staff Assistant Sr. in Facilities Management, was sworn in by Paul Loucks, Counsel for the Commission, and she provided testimony in this hearing.

The Commission recessed for lunch at 11:54 a.m. and reconvened at 1259 p.m.

Respondent's Second Witness: Ms. Mulvey returned to provide additional testimony on this hearing. She was excused and reminded of the Rule of Privilege.

Respondent's Third Witness: Eric Wattree, former employee of Pima County Employment Rights section was sworn in by Paul Loucks, Counsel for the Commission. She was informed of the Rule of Privilege. He gave a brief work history and provided testimony in this hearing. Mr. Wattree completed his testimony and excused. He was informed of the Rule of Privilege.

The Commission recessed for a break at 2:32 p.m. and reconvened at 2:38 p.m.

Respondent's Fourth Witness: Cathy Bohland, Director of Human Resources, was sworn in by Paul Loucks, Counsel for the Commission. Mr. Loucks informed her of the Rule of Privilege. She provided a brief education and employment history. Ms. Bohland provided testimony in this hearing.

Ms. Brown rested. Ms. Turchik had no further questions.

Appellant's First Witness: Michael William Moran, former Trades Maintenance Supervisor at the Adult Detention Center. He was employed at the Adult Detention Center for 25 years and recently retired. Paul Loucks, Counsel to the Commission, swore in Michael William Moran and informed him of the Rule of Privilege of Privilege. Mr. Moran provided a brief work history and began his testimony in this hearing.

Ms. Turchik and Ms. Brown had no further questions.

Mr. Hellon stated the hearing will reconvene on Friday, December 3, 2021 at 9:00 a.m. He recessed the hearing at 4:39 p.m.

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

/s/ Mike Hellon, Chair