

October 30, 2007  
Special Session  
Bonifay, Florida

The Holmes County Board of Commissioner met in a Special Session on the above date with the following members present: Commissioner Kenneth Williams, Commissioner Monty Merchant, Commissioner Jim King, Commissioner Phillip Music, Commissioner Raymon Thomas, Chairman of the Board.

Mr. Greg Wood, County Administrator, was present.

Mr. Brandon Young, County Attorney, was present.

Angie Jonas, Deputy Clerk, was present and kept the minutes.

Chairman Thomas opened the meeting with the prayer and pledge.

Pursuant to public notice, the Board held a Public Hearing regarding the grievance hearing of Ms. Tara Lovell.

Ms. Lucille Turner, Labor Attorney, presented the recommendation of Mr. Joey Marsh, grievance officer. She asked the Board to consider whether to deny Ms. Lovell's grievance and to accept the recommendation of Mr. Marsh, which was to terminate Ms. Lovell. She presented the position of management in this issue, which was to uphold the termination and to accept the recommendation. She noted that there was a typographical error on page one of the memo which should have read "May" rather than "July" in the second to last paragraph.

(Memorandum recommendation)

Mr. Mike Morgan, Union Representative, presented the position of Ms. Lovell and asked the Board not to consider the previous infractions because of the amount of time that had gone by since the initial disciplinary actions. He stated that neither he nor Ms. Lovell was not furnished with a legitimate copy of the "employee conduct policy". He stated that the incidents of three years ago should not be considered as part of the basis for Ms. Lovell's termination. He also stated that he had not been afforded the opportunity to examine witnesses in person. He acknowledged that she did not bring the prior grievance in a timely manner thus disqualifying prior grievance Ms. Lovell may have had with the County. He stated that there were tremendous discrepancies in previous witness testimonies via letters and tapes and that Ms. Lovell did not conduct herself in a manner that was "unbecoming of a public employee".

Chairman Thomas addressed Mr. Morgan and stated that the conduct policy for employees is located on page eight of the union contract. He read aloud from the union contract the section regarding disciplinary notices and their retention in an employee file for the purpose of termination. Chairman Thomas stated that the older disciplinary notices would indeed be considered in this case.

Ms. Turner clarified that the Union indeed had referred to the conduct policy in other grievance cases, even if Mr. Morgan had not previously seen the policy.

Commissioner Williams asked if there was a separate set of conduct guidelines for union versus nonunion employees. Chairman Thomas stated that there were stricter guidelines for union employees.

Ms. Turner stated that there is no formal policy and procedure manual and therefore, Ms. Lovell would not have received those at the time of her requests.

Ms. Turner stated that the County had spoken on several occasions with the witnesses and that they "stuck by" their sworn statements regarding Ms. Lovell. Commissioner Williams asked whether the testimonies of Ms. Peters & Ms. Finch were more highly regarded than the testimonies of the witnesses Mr. Lee & Mr. Cloud. He asked clarification from Ms. Turner regarding the conclusion that was drawn from the testimonies; specifically, whether it had been concluded that Mr. Lee and Mr. Cloud were not telling the truth. He asked whether she had spoken personally to each witness. She stated that she had indeed spoken to Ms. Peters and Ms. Finch and had listened to testimony at the hearing from Mr. Lee and Mr. Cloud. He asked whether it was the conclusion that Mr. Cloud had lied about being invited to go to lunch. Ms. Turner stated that the conclusion was based on the overall findings of fact by Mr. Marsh, and not every single witness statement. She stated that Ms. Peters' sworn statement reflected that she had not invited Mr. Cloud and Ms. Lovell to lunch.

Commissioner King made a motion to accept the recommendation of Mr. Marsh to continue the termination of Ms. Tara Lovell. Commissioner Merchant seconded the motion. Discussion included Mr. Brandon Young, Attorney reminding all parties of the agreed upon format of the hearing. Ms. Rhonda Clyatt, Attorney for Ms. Lovell, asked the Board to allow her to ask questions regarding this matter. Ms. Turner objected and asked the Board to consider the request "out of order" per the collective bargaining agreement set forth previously. The Board denied the request of Ms. Clyatt due to the agreed upon format for the hearing. The Chairman called for the question and the motion passed with Commissioner Williams voting no; and all others voting yes.

Commissioner King made a motion to adjourn the meeting. Commissioner Music seconded the motion. The meeting was adjourned.

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Clerk

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Chairman