

MINUTES
SPECIAL MEETING
LAWTON PERSONNEL BOARD
JANUARY 31, 2008 AT 9:00 A.M.

The meeting was called to order by Rick Sinnreich, Chairman, at 9:00 a.m. in the Council Chamber, Wayne Gilley City Hall. Meeting notice and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL:

Members Present: Tom Rheinlander; Rick Sinnreich, Ray Polk

Members Absent: None.

Also Present: Frank Jensen, Deputy City Attorney; Randy Henning, Assistant City Attorney; Shelli Fox, appellant; Shaun McCollum, AFSCME Representative for appellant; Traci Hushbeck, City Clerk, Mary Cantrell, Certified Court Reporter.

BUSINESS ITEMS:

2. Hold election of officers: Chair, Vice-Chair, and Secretary.

MOTION by Polk, **SECOND** by Rheinlander, to election Rick Sinnreich as Chairman. **AYE:** Rheinlander, Polk, Sinnreich. **NAY:** None. **MOTION CARRIED.**

MOTION by Sinnreich, **SECOND** by Rheinlander, to election Ray Polk as Vice Chair. **AYE:** Polk, Sinnreich, Rheinlander. **NAY:** None. **MOTION CARRIED.**

MOTION by Sinnreich, **SECOND** by Polk, to election Tom Rheinlander as Secretary. **AYE:** Sinnreich, Rheinlander, Polk. **NAY:** None. **MOTION CARRIED.**

3. Consider approving the minutes of March 29, 2007 Special Personnel Board Meeting.

MOTION by Polk, **SECOND** by Rheinlander, to approve the minutes of March 29, 2007. **AYE:** Rheinlander, Polk, Sinnreich. **NAY:** None. **MOTION CARRIED.**

4. Consider prehearing motions regarding appeal of SHELLI L. FOX.

There were no prehearing motions.

5. Consider the appeal of SHELLI L. FOX regarding a suspension in employment with the City of Lawton, EMERGENCY COMMUNICATIONS.

The following witnesses were called on behalf of the appellant: Janina Webster, Sue Sovo, Shelli Fox.

The witnesses were excused after testifying.

The following witnesses were called on behalf of the City: Larry Mitchell, Ronnie Smith, Vicki Buzbee, Paula Pierce, Derrell Morgan. The witnesses were excused after testifying.

The following Appellant Exhibits were submitted and accepted:

- A. Memo from Mrs. Fox to Derrell Morgan: 09/17/06
- B. Written warning: 09/18/06
- C. Memo from Mrs. Fox to Ronald Smith re: Derrell Morgan: 09/25/06
- D. Memo from Ronald Smith to Mrs. Fox re: 09/25/06 memo: 09/26/06
- E. Written warning re: 03/05/07, 03/11/07 and 03/19/07: 03/31/07
- F. Written reprimand re: 03/20/07 and 03/21/07: 03/31/07
- G. Written reprimand re: 03/26/07: 03/31/07
- H. Memo from Janina Webster to Mrs. Fox: 04/25/07
- I. Written reprimand re: 05/07/07: 05/09/07
- J. Notice of suspension: 05/24/07
- K. Personnel Board Appeal Form: 06/04/07
- L. Clerical Performance Appraisal of Shelli Fox: 06/22/06
- M. Clerical Performance Appraisal of Shelli Fox: 06/06/05
- N. Clerical Performance Appraisal of Shelli Fox: 06/15/04

The following City Exhibits were submitted and accepted:

- 1. Lawton Personnel Board Rules of Procedure, Adopted August 21, 2001
- 2. Lawton City Code, 2005, Article C-8, Officers and Employees Generally
- 3. Lawton City Code, 2005, Personnel Board, Chapter 17, Article 1, Division 8
- 4. City of Lawton Communications Department Operating System
- 5. City of Lawton Personnel Board Appeal Form, June 5, 2007
- 6. City of Lawton Personnel Action, Actions Affecting Employee, May 24, 2007
- 7. Notice of Suspension From Chief Smith To Shelli Fox, May 24, 2007
- 8. Memo From Chief Smith Regarding May 21, 2007 Pre-Determination Hearing, June 14, 2007
- 9. Memo From Derrell Morgan To Randy Henning Regarding Shelli Fox's Appeal of Fourteen Day Suspension, June 13, 2007
- 10. Lawton Police Department Administrative Investigation Disposition Report, May 24, 2007
- 11. Memo From Chief Smith To Shelli Fox Regarding Pre-Determination Hearing, May 17, 2007

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12. Memo From Derrell Morgan To Chief Smith Regarding Shelli Fox's Unauthorized Absence, May 14, 2007
13. Communications Staff Roster, May 14-May 20, 2007
14. Memo From Vicki Buzbee Regarding Shelli Fox Not Coming To Work Before Doctor's Appointment, May 11, 2007
15. Memo From Derrell Morgan To Chief Smith Regarding Shelli Fox's Issues Over The Previous Ten Months, May 9, 2007
16. Notice of Reprimand From Vicki Buzbee To Shelli Fox, May 9, 2007
17. Memo From Derrell Morgan Regarding Meeting With Shelli Fox On Supplemental Evaluation, May 2, 2007
18. Memo From Derrell Morgan To Vicki Buzbee Regarding Shelli Fox Leave Usage, April 27, 2007
19. Memo From Derrell Morgan To Shelli Fox Regarding Leave Request Denial, April 26, 2007
20. Notice of Warning From Derrell Morgan To Shelli Fox, March 31, 2007
21. Notice of Reprimand From Derrell Morgan To Shelli Fox, March 31, 2007
22. Notice of Reprimand From Derrell Morgan To Shelli Fox, March 31, 2007
23. Email From Paula Pierce To Chief Smith, January 4, 2007
24. Notice of Suspension From Chief Smith To Shelli Fox, December 21, 2006
25. Personnel Action, Actions Affecting Employee, December 21, 2006
26. Administrative Investigation Report From Lt. Craig Akard To Larry Mitchell, December 14, 2006
27. Notice of Warning From Derrell Morgan To Shelli Fox, September 18, 2006
28. Email From Shelli Fox To Derrell Morgan Regarding General Complaining, July 28, 2005
29. Memo From Derrell Morgan To Shelli Fox Regarding Sick Leave Usage, December 7, 2004
30. Counseling Record From Vicki Buzbee To Shelli Fox, March 28, 2001
31. Handwritten Letter From Shelli Fox To Doug Wells, November 26, 2000
32. Notice of Warning From Janina Webster To Shelli Fox, November 14, 2000
33. Memo From Janina Webster To Shelli Fox Regarding Tardiness To Work, July 17, 2000
34. Notice of Warning From Janina Webster To Shelli Fox, January 12, 2000
35. Memo From Janina Webster To Shelli Fox Regarding Tardiness To Work, October 12, 1999
36. Notice of Suspension From Doug Wells To Shelli Fox, August 18, 1999
37. Memo From Janina Webster To Shelli Fox Regarding Disciplinary Action, August 18, 1999
38. Notice of Warning From Janina Webster To Shelli Fox, August 17, 1999
39. Memo From Janina Webster To Shelli Fox Regarding Tardiness To Work, August 16, 1999
40. Memo From Janina Webster To Shelli Peppers Regarding Tardiness To Work, July 14, 1999

41. Memo From Janina Webster To Shelli Fox Regarding Tardiness To Work, April 6, 1999
42. Memo From Human Resources Director To City Manager Bill Baker Regarding Leave Bank For Shelli Fox, January 13, 1999
43. Memo From Shelli Peppers To Ken Graalum Regarding Memo Dated July 18, 1997, July 21, 1997
44. Memo From Ken Graalum To Shelli Peppers Regarding Undated Letter, July 17, 1997
45. Memo From Shelli Peppers To Ken Graalum Regarding Sick Leave Policy and Procedures
46. Communications Operator/Dispatch Manual Receipt, December 12, 1994
47. Notice of Reprimand From Capt. Bill Adamson To Shelli Peppers, December 22, 1991
48. Memo From Lt. Don Belcher To Major Martin Regarding Dispatcher Peppers, December 20, 1991
49. Notice of Warning From Lt. Don Belcher To Shelli Peppers, June 28, 1991
50. Memo From Lt. Davidson To Maj. Martin Regarding Incident In Dispatch, February 10, 1991
51. Counseling Record From Lt. Cecil Davidson To Shelli Peppers, February 6, 1991
52. Letter From Shelli Peppers, February 5, 1991
53. Memo From Bobby Adamson To Lt. Cecil Davidson Regarding Incident In Dispatch, February 4, 1991
54. Memo From Virginia Painter To Lt. Davidson, February 2, 1991
55. Lawton City Code Section 17-1-7-171.A.3 – Unauthorized Absence from Duty
56. Lawton City Code Section 17-1-7-171.A.6 – Failure to carry out a lawful direct instruction by a supervisor.

The Board recessed at approximately 9:35 a.m. and reconvened at approximately 10:02 a.m. with all those present who were present prior to the recess.

The Board recessed at approximately 10:52 a.m. and reconvened at approximately 11:00 a.m. with all those present who were present prior to the recess.

6. Pursuant to Section 307.B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review and discuss evidence relating to the employment of SHELLI L. FOX and consider action on the appeal in open session.

MOTION by Polk, SECOND by Rheinlander, to convene in executive session to review and discuss evidence relating to the appeal of Shellie Fox. AYE: Sinnreich, Rheinlander, Polk. NAY: None. MOTION CARRIED.

The Board convened in executive session at approximately 1:32 p.m. and reconvened in regular open session at approximately 1:59 p.m. with all those present who were present prior to executive session.

MOTION by Polk, **SECOND** by Rheinlander, the decision of the City Manger be upheld.
AYE: Polk, Sinnreich, Rheinlander. **NAY:** None. **MOTION CARRIED.**

There was no further business to consider and upon motion, second and roll call the hearing adjourned at 2:04 p.m.

Rick Sinnrieck, Chairman