

MINUTES
SPECIAL MEETING
LAWTON PERSONNEL BOARD
MARCH 14, 2017 AT 1:00 P.M.

The meeting was called to order by Tom Rheinlander, Acting Chairman, at 1:00 p.m. in the Council Chambers/Auditorium, New 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, Tom Bell

Members Absent: Ray Polk

Also Present: Frank Jensen, City Attorney; Kelea Fisher, Assistant City Attorney, Rodger Miller, appellant; Traci Hushbeck, City Clerk, Robin Durham, Certified Court Reporter.

BUSINESS ITEMS:

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

MOTION by Bell SECOND by Rheinlander, to nominate Tom Rheinlander to serve as Chairman. AYE: Bell, Rheinlander. NAY: None. MOTION CARRIED.

MOTION by Rheinlander, SECOND by Bell, to nominate Tom Bell to serve as Vice-Chairman. AYE: Bell, Rheinlander. NAY: None. MOTION CARRIED.

MOTION by Rheinlander, SECOND by Bell, to nominate Ray Polk to serve as Secretary. AYE: Bell, Rheinlander. NAY: None. MOTION CARRIED.

3. Consider approving the minutes of January 11, 2016 Special Personnel Board Meeting.

MOTION by Bell, SECOND by Rheinlander, to approve the minutes of the January 11, 2016 Special Personnel Board Meeting. AYE: Rheinlander, Bell. NAY: None. MOTION CARRIED.

4. Consider prehearing motions regarding appeal of RODGER MILLER.

There were no prehearing motions.

5. Consider the appeal of RODGER MILLER regarding a termination in employment with the City of Lawton, STREETS DIVISION.

The following witness was called on behalf of the appellant: Rodger Miller

The following witness was called on behalf of the City: Chase Massie, Director of Human Resources and Jerry Ihler, City Manager for Operations.

The witnesses were excused after testifying.

The following City Exhibits were submitted and accepted:

- EXHIBIT 1: Personnel Board Rules of Procedure
- EXHIBIT 2: City Charter- Article C-8 (Officers and Employees Generally)
- EXHIBIT 3: City Code- Chapter 17, Article 1, Division 8 (Personnel Board)
- EXHIBIT 4: City Code- Chapter 17, Article 1, Division 7 (Discipline and Grievances)
- EXHIBIT 5: City Code- Chapter 17, Article 1, Division 1, Section 102 (Definitions)
- EXHIBIT 6: Administrative Policy 3-2 (Drug and Alcohol Free Workplace Policy)
- EXHIBIT 7: Rodger Miller's Acknowledgement of Receipt of Administrative Policy 3-2
- EXHIBIT 8: Rodger Miller's Positive Drug Test Results
- EXHIBIT 9: Rodger Miller's Prior Discharge for Positive Drug Test Result- February 25, 2010
- EXHIBIT 10: Cement Finisher Position Description
- EXHIBIT 11: Notice of Administrative Leave- January 27, 2017
- EXHIBIT 12: Notice of Predetermination Hearing/Meeting- January 30, 2017
- EXHIBIT 13: Notice of Discharge- February 2, 2017
- EXHIBIT 14: Personnel Action Form- February 2, 2017
- EXHIBIT 15: Rodger Miller's Personnel Board Appeal Form- February 7, 2017
- EXHIBIT 16: Notice of Personnel Board Hearing- February 16, 2017
- EXHIBIT 17: Rescission of Initial Discharge and Notice of Official Date of Termination- February 17, 2017
- EXHIBIT 18: Personnel Action Form- February 17, 2017
- EXHIBIT 19: 2nd Notice of Personnel Board Hearing- February 21, 2017
- EXHIBIT 20: 3rd Notice of Personnel Board Hearing- February 27, 2017

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 RODGER MILLER and consider action on the appeal in open session.

MOTION by Bell, SECOND by Rheinlander, to convene in executive session to review and discuss evidence relating to the appeal of Rodger Miller. AYE: Bell, Rheinlander. NAY: None. MOTION CARRIED.

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The Board convened in executive session at approximately 1:59 p.m. and reconvened in regular open session at approximately 2:13 p.m. with all those present who were present prior to executive session.

MOTION by Rheinlander, **SECOND** by Bell, to uphold the decision of the City Manger.

AYE: Rheinlander, Bell. **NAY:** None. **MOTION CARRIED.**

7. Adjournment.

There was no further business to consider and upon motion, second and roll call the hearing adjourned at 2:14 p.m.

Tom Rheinlander, Chairman