

**Judicial Merit Commission – Regular Quarterly Meeting
Tang Conference Room, Law Library, Third Floor
101 West Jefferson, East Court Building
Tuesday, March 5, 2013**

General Session Meeting Minutes

The Judicial Merit Commission met on Tuesday, March 5, 2013, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room located at 101 W. Jefferson Street, East Court Building, Law Library, 3rd Floor.

I. Meeting Convened

The meeting was called to order at 2:00 p.m. with the following members in attendance: Commissioners Thomas J. Davis (Chair), Craig Waugh, Logan Young, Carol Smetana, and Anna Baca.

Also in attendance were Phillip E. Hanley (Secretary); Jamie Harding, Employee Relations Administrator; and Billie Berry, Human Resources Associate.

II. Approval of the Minutes

Commissioner Davis called for a motion on the minutes of the Quarterly General Session of 4 December 2012.

Motion: Commissioner Smetana moved to approve the minutes as amended. Commissioner Baca seconded the motion. The minutes of the 12 December 2012 Quarterly General Session were approved, as amended, by a vote of 4 in favor and one abstention.

III. Appeals for Notification of Status

There were no calendared appeals for notification of status.

IV. Appeals Pending Hearing/Decision

Secretary Hanley reported that three appeals are pending hearing and/or decision. He stated that a hearing officer has been assigned in the matters of *Desiray Frausto v. Adult Probation Department* and *Roline Luo v. Judicial Branch Court Technology Department*. The hearings are scheduled for April 1, 2013 and April 3, 2013, respectively. Secretary Hanley further reported that the hearing in the matter of *Nannette Hummell v. Adult Probation Department* concluded on 27 February 2013 and the Court is awaiting receipt of the hearing officer's findings and recommendation.

V. *Nannette Hummell v. Adult Probation Department*

1. Respondent's Motion for Additional Time

This item was moved to Executive Session.

VI. Research Memo from Scot Claus re Medical Review of Circumstances

This item was moved to Executive Session.

VII. Status of Hearing Officer Contract – Rebid Solicitation

Secretary Hanley reported that due to a problem incurred with the initial solicitation for the hearing officers' contract award, the Court was advised by its general counsel to re-open the solicitation. Secretary Hanley stated that six (6) responsive bids have been received to the new solicitation and the responses were being scored for selection by Court Procurement. He stated that awarding contracts to four (4) hearing officers this contract period should be sufficient to support the Court's needs.

VIII. Executive Session

Executive Session convened at 2:10 p.m.

Executive Session concluded at 2:57 p.m.

General Session re-convened at 2:57 p.m.

Chairman Davis called for a motion on the Commission's procedure regarding a medical review of circumstances.

Motion: **Commissioner Waugh moved that the Commission direct staff that it is the position of the Commission that requests for medical reviews of circumstances constitute appeals and, until further notice and decision by the Commission, that staff should treat requests for a medical review of circumstances as any other appeal of right.**

Commissioner Baca seconded the motion.

The motion was unanimously approved.

The Commission agreed to calendar discussion of amending the language in the Judicial Merit Rules regarding a medical review of circumstances as a future agenda item.

Secretary Hanley posed a question to the Commission about the possible right of a medically released employee to appeal a denial of request for reinstatement, if the application was made within the one year timeframe.

The Commission agreed that reinstatement is an employment decision separate from a medical review of circumstances. The Commission further agreed that the Commission has jurisdiction over regular employees and an employee who has been released for medical circumstances is no longer a regular employee at the point of termination. The Commission informed Secretary Hanley that reinstatement is not addressed in the Merit Rules and is therefore not reviewable by the Commission.

Secretary Hanley stated he would like to study this issue for further discussion at the next meeting.

Secretary Hanley informed the Commission that the Court's Multimedia Department has expressed an interest in developing a videotape about the Merit Commission during one of its regular sessions.

Discussion ensued.

The Commission declined unedited recording of its entire session. However, for informational purposes only, and with prior notification, it would consider the request to record the first five or ten minutes of a regular session, or record part of a session with a voiceover of the actual discussion held during the session.

IX. Call to the Public

No one responded to the call to the public.

X. Future Agenda Items

1. Recommendations from counsel to reconcile conflicting language in the Resolution and the Rules regarding a medical review of circumstances.
2. Research of right to appeal denial of application for reinstatement to employment.

XI. Meeting Adjournment

The Chair entertained a motion to adjourn.

Motion: Commissioner Smetana moved to adjourn the meeting. Commissioner Waugh seconded the motion, and the Commission approved it unanimously.

The meeting adjourned at 3:19 p.m.

Respectfully submitted,

Billie J. Berry
Staff to the Commission

For

Phillip E. Hanley
Secretary to the Commission

Next Meeting: Tuesday, June 4, 2013 @ 2:00 p.m. in the Tang Conference Room