

**Judicial Merit Commission – Regular Quarterly Meeting
Tang Conference Room, Law Library, Third Floor
101 West Jefferson, East Court Building
Tuesday, December 10, 2013**

General Session Meeting Minutes

The Judicial Merit Commission met on Tuesday, December 10, 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 2:02 p.m. with the following members in attendance: Commissioners Thomas J. Davis (Chair), Craig Waugh, Logan Young, Anna Baca, and Judith Clinton.

Also in attendance were Norman J. Davis, Presiding Judge, Superior Court of Arizona, Maricopa County, Raymond L. Billotte, Court Administrator, Danna Quinn, Secretary to the Commission, Gary Bridget, Assistant Human Resources Director, Jamie Harding, Employee Relations Administrator, Phillip E. Hanley, Administrative Services Director, and Billie Berry, Human Resources Associate.

Commissioner Davis exercised privilege as Chairman to rearrange items on the agenda to hear the address to the Commission from the Presiding Judge and Court Administrator.

II. Address to Commission – Presiding Judge and Court Administrator

Presiding Judge Norman J. Davis expressed his appreciation and thanks to the Commission for all the service the Commission has rendered for the Court. He stated that the Court takes very seriously the need to provide a robust method to review merit issues of its personnel, and that the Commission has fulfilled the Court's need.

Judge Davis informed the Commission that a pilot project consisting of a new set of merit rules has been instituted by the Court and is slated to take effect on March 1, 2014. He advised that the new pilot rules will apply only to Judicial Branch employees who are hired after the March 1, 2014 date. Adult and Juvenile Probation Officers will not be affected and will remain under the existing merit rules. Judge Davis stated that under the new merit rules a three-judge panel will review issues in an effort to provide an expedited process.

In addition, Judge Davis said the pilot project will require a few small changes to the existing Merit Rules. He stated the Court has two qualified attorneys who have been adopting those changes and will provide a draft of the revised rules to the Commission for its review and comment.

Court Administrator Raymond Billotte emphasized Judge Davis's remarks.

The Commission questioned whether it would be required to operate under two different set of rules. The Commission also asked whether it would receive the revised rules in draft or final form for review and comment.

Judge Davis stated that the Commission would not have to operate under two different set of rules and that the revised rules would be forwarded in draft form for review. He also advised that the changes to the existing rules are not substantive but are being made to ensure compatibility among the two processes.

Judge Davis requested that the Commission advise him if the Court could assist it in any way or if any of the Commission's needs had not been addressed.

The Commission thanked the Presiding Judge Davis and Court Administrator for their address to the Commission.

III. Appreciation

The Commission presented Phillip Hanley with a plaque in appreciation of his nine years of excellent and faithful service as Secretary to the Commission.

Mr. Hanley thanked the Commission for its recognition. He said he enjoyed the privilege of working with the Commission as it was a learning experience of professional collaboration and consideration.

IV. Approval of the Minutes

Commissioner Davis called for a motion to approve the minutes of the 10 September 2013 Quarterly General Session and the 10 September 2013 Executive Session.

Motion: Commissioner Waugh moved to approve both the minutes of the Quarterly General Session and the Executive Session of 10 September 2013 as amended.

Commissioner Young seconded the motion.

The minutes of the 10 September 2013 Quarterly General Session and 10 September 2013 Executive Session were unanimously approved.

V. Appeals Pending Notification of Status

Secretary Danna Quinn reported on the matter of *Terrence Simms v. Juvenile Probation Department*. Mr. Simms was released on October 29, 2013 and filed an appeal of termination. The appeal was assigned to Hearing Officer Douglas Erickson. A settlement agreement was entered into on November 21, 2013 and the appeal was withdrawn. Mr. Simms was reinstated with a demotion in position effective November 25, 2013.

VI. Appeals Pending Hearing/Decision

Secretary Quinn reported that there are no appeals pending hearing/decision.

VII. Response from Counsel – Use of Hearing Officers in Review of Medical Circumstances

Motion: Commissioner Waugh moved that this discussion be held in Execution Session to discuss recommendations of legal counsel. Commissioner Baca seconded the motion.

VIII. Executive Session

Executive Session convened at 2:13 p.m.

Executive Session concluded at 3:08 p.m.

General Session re-convened at 2:48 p.m.

IX. Annual Report

Secretary Quinn presented the FY2012/13 annual report as a summary of the disciplinary matters that typically came before the Commission during the past year. She stated it also provided the employment practices and operational results of the Judicial Branch during the past fiscal year and the many positive experiences that represent the majority of the workforce on a daily basis.

The Commission thanked staff for its hard work in preparing the annual report.

X. JMC 2014 Meeting Schedule

Commissioner Davis inquired whether the Commission wished to consider moving its December meeting date from the first week to the second week since historically the Commission has met in the second week of December for the past three years.

The Commission agreed that since the December changes have been for different reasons it did not see a reason to change unless the need arises.

Commissioner Davis called for a motion to accept the proposed 2014 meeting schedule of March 4, June 3, September 9, and December 2, 2014.

Motion: Commissioner Young moved to approve the meeting schedule for 2014 as suggested. Commissioner Waugh seconded the motion.

The JMC 2014 Meeting Schedule was unanimously approved.

XI. Call to the Public

No one responded to the call to the public.

XII. Future Agenda Items

1. Continued discussion of the Review of Circumstances.
2. Consideration of new Merit Rules.
3. Discussion of changes to existing Merit Rules. The Commission agreed to collectively respond to the Presiding Judge with any comments the Commission has regarding the revised Merit Rules. The Commission agreed that upon receipt of the proposed changes, each member would individually forward their concerns, if any, to staff (Ms. Berry). Ms. Berry would then compile a list of responses and forward the list to the Commission. Upon receipt of the completed list, the

Commission would then determine whether any of the issues raised would require the need to schedule a meeting. All agreed.

X. Meeting Adjournment

The Chair entertained a motion to adjourn.

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

The meeting adjourned at 3:38 p.m.

Respectfully submitted,

Billie J. Berry
Staff to the Commission

For

Danna M. Quinn
Secretary to the Commission

Next Meeting: Tuesday, March 4, 2014 @ 2:00 p.m. in the Tang Conference Room