



E-AGENDA MANAGER

Duval County Public Schools

May 11, 2016, Special Board Meeting, Grievance Committee

Ms. Ashley Smith Juarez, Chairman
Ms. Paula D. Wright, Vice-Chairman
Ms. Becki Couch
Mr. Jason Fischer
Ms. Cheryl Grymes
Dr. Constance S. Hall
Mr. Scott Shine
Dr. Nikolai Vitti, Superintendent

ATTENDANCE AT THIS MEETING OF THE DUVAL COUNTY SCHOOL BOARD: Chairman Ashley Smith Juarez, Board Members Constance Hall, Jason Fischer, Scott Shine were in attendance. All committee members were in attendance as well as Board Member Grymes for part of the hearings. Ms. Karen Chastain, Chief of Legal Services, was present.

CALL MEETING TO ORDER

[CALL MEETING TO ORDER](#)

Minutes: The meeting was called to order at 9:36 a.m.

GRIEVANCES TO BE DISCUSSED

[STEP III GRIEVANCE BY LABORERS INTERNATIONAL UNION OF NORTH AMERICA \(LIUNA\)
LOCAL 630 - VICKY OLSON](#)

Minutes:

Present:

Ashley Smith Juarez, Chairman
Scott Shine, Board Member
Jason Fischer, Board Member
Dr. Constance S. Hall, Board Member
Wendy Byndloss, Attorney, Office of General Counsel
Michael Wedner, Attorney, Office of General Counsel
Keith Gooch, Supervisor, Information Technology
Vicky Olson, Grievant
Mr. Burris, Business Manager, Northeast Florida Public Employees' Local 630
Jim Culbert, Executive Director, Technology Services
Sonita Young, Assistant Superintendent, Human Services
Cheryl Grymes, Board Member (non-voting)
Karen Chastain, Chief of Legal Services

Mr. Burris explained, on behalf of the grievant, that the Board Committee ruled in her favor back in April 2015. The District later ignored the Board Committee's findings by placing her at the Network Operations Center (NOC) and in the Systems Center Operation Manager (SCOM). He argued she should be removed from NOC and given just her original position back in SCOM.

Mr. Gooch testified that as Ms. Olson's supervisor, anytime he decides to assign her a job, he refers back to the Board Committee's ruling to ensure that it falls within the ruling. He asked her to put together a report that would help the department be proactive in preventing problems rather than reactive to resolving them once they surface. When asked to do the report, Ms. Olson indicated it is not in her job description and is superfluous. She only did a partial report. He has never received a complete report to date.

During cross examination, Mr. Burris began introducing email evidence between the grievant and another party to indicate the requested information for the report could not totally be pulled from SCOM. The Board Members did not have this email in their packet of information and the question arose as to whether this could be considered at this point in the grievance process. Debate followed as to whether to proceed with or without the new addendum and whether an appeal could be made by grievant if it is not considered, regardless of how the case is ruled.

The proceeding paused so Ms. Chastain could review each item in her packet while Board Members verified they had the same items in their own.

Board Member Shine reminded the Board Committee that the respondent doesn't have to prove anything. The Board Committee tends to take on the job of research and owning the errors or problems of petitioners and/or respondents. He would like to see that practice stop.

Board Member Fischer noted he won't participate in hearings where he hasn't been given all the information prior to handing down a decision. Board Member Hall agreed. Through pretrial preparation, parties would

review materials together in advance. Items that are not agreed upon are what each side would present during the hearing.

Motions:

That the Duval County School Board
move to proceed with the grievance
with the introduction of an addendum -
to the case by the grievant.

Vote Results

Motion: Scott Shine

Second:

Motions:

That the Duval County School Board
move to discuss how to proceed with -
the grievance.

Vote Results

Motion: Ashley Juarez

Second:

Motions:

That the Duval County School Board
move to defer the item. - PASS

Vote Results

Motion: Connie Hall

Second: Jason Fischer

Rebecca Couch - Not Present

Jason Fischer - Aye

Cheryl Grymes - Not Present

Connie Hall - Aye

Ashley Juarez	- Aye
Scott Shine	- Nay
Paula Wright	- Not Present

[STEP III GRIEVANCE BY DUVAL TEACHERS UNITED/UNITED OFFICE PERSONNEL OF DUVAL \(DTU/UOPD\) - JIMMY WARD](#)

Minutes:

Present:

Ashley Smith Juarez, Chairman
Scott Shine, Board Member
Jason Fischer, Board Member
Dr. Constance S. Hall, Board Member
Wendy Byndloss, Attorney, Office of General Counsel
Jimmy Ward, Grievant
Josephine Jackson, Executive Director, Office of Equity and Inclusion/Professional Standards
Susan Thorburn, Supervisor, Human Resources
Sonita Young, Assistant Superintendent, Human Services
Karen Chastain, Chief of Legal Services

Mr. Ward, a Data Entry Clerk for Hospital Homebound, argued that his employee rights have been violated after he received a written reprimand as a result of anonymous complaints filed against him. He cited Article IV-Employee Rights/(B)/(Harassment)/(1.) and (K)/(Processing of Complaints)/(5) from the Duval County/UOPD Bargaining Agreement which says that, "anonymous complaints will not be processed AND no administrative actions taken" based on them. He further argues the investigation should have never occurred. He wants the written reprimand to be rescinded.

During cross-examination, Ms. Byndloss established the Superintendent's office looked into the complaint and found nothing wrong with the investigation.

Ms. Byndloss presented the District's case by arguing that the District has an obligation to investigate all complaints, including those that are anonymous. In this case, however, the complaint came from an identified source and was not anonymous. Ms. Josephine Jackson testified that all the people interviewed from Mr. Ward's department were identified; no one interviewed anonymously.

During cross-examination, Mr. Ward first clarified with Ms. Jackson that no anonymous statements were used; however, it was stated earlier that anonymous statements were given by staff. Ms. Jackson explained that they must include everything in the report they look at but that everyone

interviewed was identified. Mr. Ward argued the anonymous statements were used. Ms. Jackson argued they were put into the report; the people interviewed are what was used to corroborate the concerns.

During rebuttal, Mr. Ward argued that statements used in the investigation was by an anonymous person, not the statements of identified people. Ms. Jackson explained the investigation differentiates between substantiated and non-substantiated statements. Ms. Byndloss argued the complaint itself was not anonymous and that the Collective Bargaining Agreement does not say anonymous statements cannot be used in an investigation. The decision, itself, was not based on anonymous statements.

Board Member Shine had questions about what the report shows as substantiated and non-substantiated. He feels the report has some defects. Clarification was made by Ms. Byndloss to Board Member Fischer that the report used by Mr. Ward, and given to the Board Members, was a redacted copy; however, Ms. Jackson has the original report with all the names in it. People interviewed were not sworn to an oath first.

Board Member Fischer noted the lack of accountability on the part of those being interviewed in light of the seriousness of the accusations and wonders at what point would Mr. Ward be given the opportunity to face his accusers. One of the non-substantiated claims was of a sexual nature, yet part of the discipline he was served was to take a sexual harassment course. Mr. Ward denied making the non-substantiated statements.

Board Member Hall asked how the investigation was conducted and whether there was a cross-tabulation done. She said she is seeing different things. When she looks at the complaint, then the summary of what came from the interviews, she thinks they are all over the place. Ms. Jackson explained how she conducts the investigations which includes looking to see if there is a history of ethics violations. As to the accusations of being a procrastinator, Mr. Ward produced a report showing his work performance and explained that he would not be able to get the volume of work done that he does if he procrastinates. Board Member Hall suspects there are issues going on but does not feel it is well defined in the report. Was there an intervention done prior to the case reaching a point requiring an investigation?

Chairman Smith Juarez noted phrases throughout the report that were not necessarily definitive such as "seem to be generalized," "based on perception," "strong perception that," "appear to have frightened," "and were construed as a threat."

Board Member Fischer clarified that there were no substantiated claims of sexual harassment nor threats, yet the discipline included sexual harassment and bullying courses. Ms. Young explained that the actual discipline was the letter of reprimand but since all employees have to take the online bullying and sexual harassment courses, it seemed prudent to include those courses as well, even though those claims were not

substantiated. In light of the fact the grievant is a retired veteran, Board Member Fischer opined that many in the workplace are not as sensitive to our veterans and what they have been through as they could be. Perhaps there should be sensitivity training for them as well.

The Committee asked that Ms. Chastain prepare a draft final order to present to them at a later date for their review.

Motions:

That the Grievance Committee of the School Board of Duval County, Florida consider the Step III Grievance filed by Jimmy Ward, an employee governed by the DTU/UOPD Collective Bargaining Agreement. - PASS

Vote Results

Motion: Scott Shine

Second: Jason Fischer

Rebecca Couch - Not Present

Jason Fischer - Aye

Cheryl Grymes - Not Present

Connie Hall - Aye

Ashley Juarez - Aye

Scott Shine - Aye

Paula Wright - Not Present

ADJOURNMENT

[ADJOURNMENT](#)

Minutes:

The meeting was adjourned at 12:26 p.m.

LBL

Superintendent

Chairman