



# Duval County Public Schools

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May 21, 2015, Special Board Meeting - Grievance

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

ATTENDANCE AT THIS GRIEVANCE COMMITTEE MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present with the exception of Board Members Jason Fischer, Ashley Smith Juarez and Paula Wright.

CALL MEETING TO ORDER

[Call Meeting To Order](#)

Minutes: The meeting was called to order at 9:16 a.m.

GRIEVANCES TO BE DISCUSSED

[FINAL ORDER OF GRIEVANCE BY LABORERS INTERNATIONAL UNION OF NORTH AMERICA \(LIUNA\) LOCAL 630-SHEILA KENDRICK](#)

Minutes:

Grievance Committee Members

Ms. Cheryl Grymes, Chairman  
Mr. Scott Shine, Member

Dr. Constance S. Hall, Member  
Ms. Becki Couch, Member

Present on behalf of Staff

Mr. Brian McDuffie, Executive Director, Policy & Compliance  
Ms. Sonita Young, Assistant Superintendent, Human Resources  
Ms. Melissa Coppedge, Supervisor, Employee Support

Present on behalf of Grievant

Ms. Sheila Kendrick, Accountant II, Grievant  
Mr. Daniel Williams, Attorney  
Mr. Kip Hamilton, Senior Computer Specialist, Technology, LIUNA Steward

Mr. McDuffie explained the proposed final orders and the possible actions at this point in the grievance process.

Board Member Shine moved that the Grievance Committee approve the respondent's proposed order.

Motion: Scott Shine  
Second: Becki Couch

During deliberations, Board Member Hall wanted clarification on the timeline of the review process and changes that were made to the new job description in question. When staff members began clarifying the information, Mr. Williams objected and asked that if new evidence is entered by way of additional testimony, then he asks that the hearing be extended. Neither of the two attorneys were notified of the meeting until minutes before it began and he is not prepared for further testimony. The attorney for the district was not able to be present. Chairman Grymes noted that staff is simply clarifying information for Board Member Hall. Mr. Williams considers that to qualify as additional testimony.

Mr. McDuffie explained that everyone was present that needed to be there. The purpose of reconvening was to consider the proposed final orders by both parties. However, if the Board felt the need to call on staff to clarify information, then Mr. Williams' objection may be well founded. After reviewing the motion on the floor, Board Member Couch explained to Mr. McDuffie that Board Members received a notebook from the Grievant that contains new material. She asked Mr. McDuffie if, in light of this new evidence, the case could be sent back to an earlier stage for the evidence to be considered. Mr. McDuffie said the Committee could decide to do that.

Board Member Shine was reluctant to dispense with the motion he put on the floor to send the case to an earlier stage; he didn't see a proposed order from the Grievant. It was brought to his attention that the proposed order from the Grievant was in the packet of materials for each Board Member but erroneously had the name of Vicky Olson on it rather than Sheila Kendrick. Board Member Hall felt uncomfortable going forward with things at that point and Chairman Grymes called for a vote to dispense with the motion on the floor.

PASSED - 2-2

Scott Shine	NAY
Becki Couch	NAY
Connie Hall	AYE
Cheryl Grymes	AYE

Pursuant to Section 1001.365, Florida Statutes, in the event of a tie vote of the district school board chair and district school board members acting in any capacity, the side on which the district school board chair voted shall be deemed to prevail. This Section applies only to those counties organized by charter that have a population of between 800,000 and 900,000 according to the last federal decennial census. Since Duval County has been organized as a charter county since 1968 and the results of the last decennial (2010) census indicates Duval County's population as 864,263, this statute affects tie votes by the Duval County School Board

The Chairman stated after the vote that the motion to enter the respondent's proposal was denied. The Board secretary asked that the Chairman state for the record how the vote went. Board Member Couch explained that the Chairman's vote is the tie breaker. Board Member Hall stated they need clarification. Chairman Grymes said the motion was to accept the respondent's proposal and that it was the main motion. If things needed clarified, then there is a need to revote. Mr. Williams suggested that if there are some who have not read the Grievant's proposed order, then the Committee take a few minutes to read it, then vote again.

Chairman Grymes was concerned at this point that Board Members were confused due to several missteps in the process: notebooks of new evidence being given to Board Members, lack of notification of counsel on date and time of the hearing, Board Members not seeing some of the documents being considered prior to the hearing, and confusion of what the Board Members were voting on. She asked the Committee to decide how to address these issues.

Board Member Shine heard two things when the vote was called; he voted NAY for what he thought was dismissal of the main motion. He suggests they leave the main motion on the table and take a three or four minute recess to review the document he didn't read that is mislabeled. Chairman Grymes asked if that was acceptable to the others. Board Member Couch feels the proper protocol would be to request to reconsider the vote, take the recess, then take the vote again.

Board Member Hall moved to reconsider the vote.

PASSED: 4-0

Motion: Connie Hall  
Second: Becki Couch

Becki Couch     AYE  
Scott Shine     AYE  
Cheryl Grymes   AYE  
Connie Hall     AYE

After the recess, Board Member Couch explained that Board Members have seen additional evidence that counsel has not seen.

Board Member Couch moved that the Grievance Committee send the grievance back to Step II and allow for the information that was given to the Board be provided to the respondent so it can address what was given to the Board.

FAILED: 2-2

Motion: Becki Couch  
Second: Connie Hall

Becki Couch     AYE  
Connie Hall     AYE  
Scott Shine     NAY  
Cheryl Grymes   NAY

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Board Member Shine feels the proper posture is to disregard the information. He is concerned that if the process is not followed strictly, intervening documents could become deliberate to redirect the process away from the Board and back to Steps I or II. Board Member Couch agrees; however, it is her understanding that the other party's counsel is to be able to see the additional evidence within 10 days. She doesn't know if that is the case. Board Member Shine doesn't think it would be an issue if the new evidence doesn't change a Board Member's position, which it does not in his case. Mr. McDuffie pointed out that the proposed order by the respondent was done without General Counsel knowing about the evidence. Board Member Couch disclosed that the information she read in the notebook has biased her view of the issue. Board Member Shine noted that moving the grievance back to Step II would send it back to Ms. Young's department in Human Resources.

Board Member Shine moved to amend the motion to remain in Step III with the other parameters.

Motion: Scott Shine

Second: None

Chairman Grymes clarified with Ms. Young that the purpose of the motion that sent the orders back to each party was to give the District the opportunity to review this new information from the grievant before writing proposed orders that are submitted to the Grievance Committee.

Board Member Shine noted that by sending the proposed orders back to the parties in light of this new information, that it protects the rights of the respondent.

Chairman Grymes feels Board Member Shine has a legitimate concern that sending the process back to Step II would set a precedent that enables new information to be introduced in future grievances that would "throw off" the process. Board Member Couch noted she has met with General Counsel on that very matter and the Board should be receiving an opinion on it soon.

Motions:

That the Grievance Committee return the proposed orders to the respondent and grievant to allow the respondent the opportunity to react to the new information presented and offer a new order in Step III. - PASS

Vote Results

Motion: Scott Shine

Second: Rebecca Couch

Rebecca Couch	- Aye
Jason Fischer	- Not Present
Cheryl Grymes	- Aye
Connie Hall	- Aye
Ashley Juarez	- Not Present
Scott Shine	- Aye
Paula Wright	- Not Present

ADJOURNMENT

[Adjournment](#)

Minutes:

The meeting was adjourned at 9:52 a.m.

LBL

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Superintendent

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Chairman