COUNCIL DECISION REQUEST

SUBJECT: Employee Disciplinary Appeal, Tonia Erin

MEETING DATE: May 19, 2011
4:30 p.m. Special Meeting

ITEM NO.:

SUBMITTED BY: Tim Wright, Town Attorney

SUBMITTAL TO AGENDA
APPROVED BY TOWN MANAGER

PAYSON GOAL: NEW: EXISTING:

TENTATIVE SCHEDULE:

AMOUNT BUDGETED:

EXPENDITURE REQUIRED:

CONT. FUNDING REQUIRED:

EXHIBITS (If Applicable, To Be Attached):

Section 4.5 of the Town of Payson Personnel Manual

The following documents were provided to the Council:
Findings and Recommendations of Hearing Officer R.O. McDaniel – May 2, 2011
Hearing Audio CD and Materials

POSSIBLE MOTION: Given the nature of this matter, Staff does not have a specific recommended Motion. Pursuant to Section 4.5.4 of the Town of Payson Personnel Manual, the Council "may affirm, reverse, or modify the 'Findings and Recommendations'" of the Personnel Hearing Officer. See Section V below for possible forms of a Motion.

SUMMARY OF THE BASIS FOR POSSIBLE MOTION: On March 28, 2011, Town Manager Debra Galbraith issued a notice of termination to Tonia Erin. On April 6, 2011, the Town received a Notice of Appeal of the termination filed by Ms. Erin.

On April 27, 2011, a Disciplinary Appeal Hearing (open to the public) was held pursuant to Section 4.5.3 of the Town of Payson Personnel Manual. During the Hearing, the Town Personnel Hearing Officer took live testimony and reviewed submitted statements, documents, and other evidence. On May 2, 2011, the Town Personnel Hearing Officer issued his Findings and Recommendations in this matter.

The Personnel Hearing Officer's Findings and Recommendations are "advisory only" to the Town Council. See Section 4.5.3. The Council "may affirm, reverse, or modify the 'Findings and Recommendations.'" In order to proceed in an orderly manner and to afford Ms. Erin a fair review in accordance with due process, Staff would suggest that the Council proceed with this matter as follows:

MAY 19 2011