

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
APRIL 17, 2003**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman; Bevin Putnal, Clarence Williams, Eddie Creamer and Jimmy Mosconis, Commissioners; Kendall Wade, Clerk; Amelia Varnes, Deputy Clerk; Leonard Carson, Carson and Adkins, Attorneys. Also present were Hubert Chipman, Superintendent of Public Works; Howard Nabors, Road Department; Oscar Sanders, Road Department with Attorneys Ben and Steve Watkins.

1:30 P.M. Chairman Sanders called the meeting to order. She announced she would not be participating in any discussion or voting on the issue the Special Meeting was scheduled for. She said she would complete a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. She stated she would chair the meeting, but would not participate in the discussions or voting on the issue since her husband Oscar Sanders, an employee of the Road Department, was involved in this grievance procedure. She introduced Mr. Carson to the members of the audience and the employees who did not know him. She asked Mr. Carson to begin with his presentation.

(Tape 1-21) Mr. Carson stated he was an attorney with the Tallahassee Law Firm, Carson and Adkins, special labor counsel to the Franklin County Board of County Commissioners. Mr. Carson said he was instructed to conduct an investigation into an incident, which occurred at the Public Works Department on Tuesday, March 4, 2003. He continued his report and stated the following: "The incident resulted in the filing of three separate grievances and a Sheriff's Office Incident Report. In addition there was a claim of personal injury as a result of the incident. I conducted personal interviews with all witnesses to the events at issue; all witnesses cooperated fully in my investigation and at my request Oscar Sanders authorized me to speak to his treating Optometrist and after receiving that authorization I spoke to the Doctor. Oscar Sanders alleged that he was intentionally sprayed in the eyes with air freshener by Howard Nabors at approximately 7:20 a.m. on Tuesday, March 4, 2003. The incident took place immediately outside of Hubert Chipman's Office at the Public Works Department. Sanders is alleged to have then pushed open the door, forcefully grabbed Howard Nabors on the right shoulder, and in a loud voice demanded Nabors go out back with him to discuss the incident. Both men were angry at the time, Nabors refused to go and Hubert Chipman instructed the men to be quiet and sit down. A few minutes later Sanders again confronted Nabors accusing him of spraying Sanders in the eyes. Hubert Chipman instructed the men to go to work and Sanders continued to work throughout the day on March 4th. Sanders claims to have gone into the kitchen immediately following the spraying incident to flush his eyes, however no witness that I spoke to was able to corroborate seeing him do so. At approximately 8:45 a.m. on Wednesday, March 5, 2003 Howard Nabors reported the incident to the Franklin County Sheriff's Office. A deputy interviewed Nabors and others on site and completed an Incident Report. The deputy contacted Sanders at 11:45 a.m. on Wednesday, March 5th to advise of the incident report and Sanders continued to work. On Wednesday morning March 5th Howard Nabors filed a grievance against Oscar

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Sanders based upon his claim that Sanders had forcefully grabbed him on the right shoulder and brutally confronted him. Sanders claims that he merely tapped Nabors on the shoulder and the preponderance of the evidence indicates the grab was forceful. Oscar Sanders first sought medical attention at Weems Memorial Hospital Emergency Room at 7:51 p.m. on March 5th more than thirty-six hours after the incident. He received a diagnosis of possible cornea burn. Oscar Sanders was later seen by an Optometrist on Thursday, March 6th. He received a diagnosis of eye irritation from a chemical. The eye doctor performed a diagnostic test, which indicated a disruption of the tear film creating dry eye irritation. According to the eye doctor the condition that he observed is consistent with being sprayed in the eye with air freshener, but is equally consistent with not being caused by such an incident. The eye doctor considered the eye condition to be a minor and transitory medical condition. Sanders reported to the Franklin County Sheriff's Office at 9:30 a.m. on Thursday, March 6th to be interviewed. Friday, March 7, 2003 at 10:05 a.m. Sanders filed grievances with the Franklin County Clerk of Courts against Hubert Chipman and Howard Nabors. Sanders claims that he had tried to file a grievance on Wednesday, March 5th, but he was told by Chipman that he could not do so until Nabors decided what he was going to do. Sanders grievance against Chipman was based upon the following allegations and these are allegations made by Oscar Sanders against Chipman. Chipman allegedly handed the spray to Nabors and told him to spray. If Chipman had not done so Sanders would not have been injured. My observation from my investigation is that while it is true that Chipman handed the spray to Nabors I believe Sanders misperceived the significance of that action, it was not because Chipman was encouraging Nabors to do harm to Sanders. Another allegation by Oscar Sanders was that Chipman had initially told Sanders that the incident would be resolved internally, but then is believed to have contacted the Sheriff's Office. It was my conclusion that it was Nabors and not Chipman who initiated the call to the SO. I understood that Nabors indicated to Chipman he wanted a report to the SO and asked another employee to contact the SO and Nabors actually had the conversation. Another of Sanders allegations was that Chipman is believed to have condoned the spraying of Sanders by a subordinate employee. It is my belief that Chipman did not encourage or condone Nabors spraying Sanders. Sanders allegation that by reporting the incident to the SO Chipman was taking sides and not being objective about the incident and as I noted before it was Nabors who initiated the report to the SO. Oscar Sanders also alleged that Chipman had contributed to an unsafe workplace that resulted in injury to an employee being himself, and that Chipman should not allow or condone horseplay of any kind. The Sanders grievance against Nabors was based upon the following; he alleged that Nabors engaged in horseplay by spraying the air freshener thereby causing injury to Sanders. The following are my conclusions based upon the investigation that I conducted and concluding interviews I had with various individuals. Nabors did not deliberately spray Sanders in the eye with air freshener. It is possible, but unlikely, that Oscar Sanders got some of the air freshener in his eyes, however if that occurred, it was an inadvertent and an unintended result. The preponderance of the evidence indicates that Nabors sprayed Sanders because of a foul odor not because he intended to harm Sanders. Nabors was not engaged in horseplay. Nevertheless, I believe that Nabors behavior of spraying and then closing the door on his supervisor, who was Oscar Sanders, even under the circumstances presented here, was inappropriate. Nabors should be counseled

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regarding the proper manner of dealing with such incidences, all employees should treat each other with respect regardless of the provocation. Several witnesses observed that something was bothering Sanders that morning before the spraying incident ever occurred. He was observed holding his head in his hands apparently feeling badly. Sanders denied being responsible for any foul odor. The confrontation between Sanders and Nabors was a culmination of Sanders belief that the men were making fun of him. He was heard to remark before the incident (Mr. Carson apologized for the following language) "They are pissing me off, I'm getting tired of this". I believe that Sanders was annoyed because a subordinate employee was sitting in Hubert Chipman's office in the chair usually occupied by Sanders and that other subordinate employees including Nabors were in Chipman's Office with the door closed while Sanders a supervisor was left sitting outside the door with the other subordinate employees. Oscar Sanders is not well liked by his fellow employees; he does not have close friends within the department. Sanders acknowledges the disharmony between him self and colleagues, but he believes this is due to a generational gap. Although, Sanders forcibly grabbed Nabors by the right shoulder Sanders request that he and Nabors go out back was not an invitation to fight. I regard Sanders action in grabbing and confronting Nabors as an impetuous act and was a reaction to his perceived ridicule and ostracism by his coworkers and perhaps while understandable Sanders action was not justified under the circumstances particularly with the preponderance of the evidence indicates that it was more than likely his personal action that initiated the chain of events. Regardless of the alleged provocation Sanders behavior, that of a supervisor forcibly grabbing a subordinate is unacceptable in the work place. It constitutes a violation of the County's Anti-Violence Policy, Section 4, Franklin County Personnel Rules. It also constitutes a violation of Section 9.02(f) of the Personnel Rules, disorderly conduct during working hours. I therefore recommend that Sanders be suspended without pay for two (2) days, and that he be placed on disciplinary probation for a period of ninety-days (90) and as I noted above it was Howard Nabors, not Hubert Chipman, who initiated a call to the SO. I believe that Nabors did so out of fear for his job as a result of his confrontation with Oscar Sanders. The employees in the Public Works Department including supervisors are apparently afraid to deal with Oscar Sanders because they believe he is spying on them and reporting them to his wife. There are also afraid that Commissioner Sanders will cost them their jobs, they believe Oscar Sanders takes advantage of his wife's position. On a personal note, I have known and worked with Commissioner Sanders since she was first elected to the Commission. Commissioner Sanders is an active Commissioner she is very much interested in the effective operation of the various County Departments. While perception may be reality to the employees nothing in my investigation gave me any reason to believe that Commissioner Sanders had acted improperly in this regard. The supervisors and employees of the Public Works Department should be reassured, by this Commission, that all employees regardless of their relationship to a Commissioner will be dealt with fairly, and that no favoritism will be shown to any employee because of such a relationship. They should all be assured no Commissioner will participate in any employment action directly effecting a number of ...Hubert Chipman did not adequately address the incident when it occurred. His failure to act decisively and immediately allowed a situation to deteriorate. Discipline within the Public Works Department appears to be lax and chain of command protocol is not normally followed. Although

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Chipman claims to have had prior problems with Sanders he admits to having written nothing down and appears to be uncertain how to deal with the political implications of such a situation. I conclude that while Chipman may be a capable, hands-on, department head and is generally well liked by his subordinates he is hampered by insufficient training in employee relations and a heightened awareness of the difficult circumstances of having an employee on staff directly related to a Commissioner. I therefore recommend that Chipman and his staff of supervisors, including Oscar Sanders, be provided with supervisory training in order to provide them with assistance in dealing with the employee relations aspect of their jobs. Chipman should also be reassured by the Commission that he is expected to exercise full supervisory authority over all of his employees regardless of their relationship to any elected official and as so long as he acts fairly and appropriately he will be supported in his actions. That is the end of my report." Mr. Carson said he would follow-up his verbal report with a written Recommendation to the County Commission within the next few days. Ben Watkins, attorney for Oscar Sanders, stated he would like to address the Board. He said "I have a little problem with the procedure under Step 1, which requires that within seven-days of receiving the grievance form the department head shall schedule a meeting with the employee and immediate supervisor for the purpose of resolving the grievance. That was not done, secondly there hasn't been the procedure under Step 2, which they have the seven-day rule again. Mr. Sanders disagrees with the department head therefore it now goes into a hearing where they... You are in a position, I appreciate counsels effort at resolving this, but counsel is in a position of being able only to give you his conclusion, his suggestions, his point. There has got to be a forum down the road somewhere where whether in relying on counsel conclusions, you are the fact finders or this Court is fact finder. The grievance was filed initially on the 4th and then on the 7th it was filed again. The technical steps, probably not as important, the position you are in of being only advised of counsel's conclusion based on his investigation, which causes six people to have six different conclusions and maybe that's the way it is. I have to take some issue with the conclusion of counsel based on his conversation with the Optometrist that this could be related to spraying in the eye, but it could be others. Which are you going to take... you've got a temperately connection and point of time he was sprayed in the eye. It's irritation to the eye, he gets a problem diagnosed at Weems as a corneal burn and yet we reach a conclusion that it could have been something else. The temperate connection is the strongest thing. Again, we get into where you are confronted with what counsel three times said was forcefully grabbing. If you read Sanders statement he had his right hand on the door, he opened the door and then boom, the patience in the Road Department. He said turn around lets go outside and talk about it. That's your... forcefully grabbed him. You have nothing to go on, but a conclusion by someone who was not there on what might have been described in various ways by various people. We note that while recommended Sanders be punished counsel has not made any recommendations other than the whole crew go to management studies. I don't think that the position we find ourselves, where you as the fact-finding board in Step 2, have nothing to go on, but conclusions of the investigator. You know these people better than counsel does I'm sure. You know an evaluation that's been made of them and somewhere in time someone locally is going to make a decision as to what's done. I think that it's not quite at the level we would want and suggest that Commissioner Sanders during her

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tenure that would reflect on any influence on the Road Department, it's employees. There may be some personality problems over there, I think there are, but these are matters that should be resolved internally. Mr. Sanders was told it would be. Mr. Chipman said don't file a grievance we'll handle it internally and the next thing he gets is a call from the SO. It's something that should be handled internally and somebody within the department should get their employees together and say what are going to do to have a work force that is productive for the people. There is no use going to the SO with these problems. I don't actually have enough factual information to conclude. I think we know after looking at the SO Report Mr. Chipman gave the spray to Mr. Nabors. I don't have any thought that he told him to spray Mr. Sanders. You would have to be familiar with the lay out of the office there to know exactly what happened and how it happened in the fashion that has been described. I really think the only thing you have should be resolved internally between the department employees. You need have a considered opinion that there should be disciplinary action. You do not have enough facts to make such a decision and you need to return it to the department. Undoubtedly the department needs a little attention from what counsel related to us. His suggestion of some management training for the entire department might be in order, but I really feel that at this point in time, under your rules, you don't have sufficient basis to support the recommendation of counsel. You need some facts, because a suspension without pay goes in your record, then you on a ninety-day probationary period, which makes you vulnerable to any complaints. If you going to manage employees you have got to have some degree of control and you got to at times tell them or direct them to do things they may not want to do. My thought is that this situation should be handled internally with the benefit of counsel's suggestion of management training and let this thing be something that... I fail to see how even if it was unintentionally spraying of someone in the eye, that's not providing fellow employees a safe working area. That is the duty under your personnel rules to provide a safe working place. Knowing the layout of the Road Department the door was closed to the office until Mr. Nabors opened it and sprayed Mr. Sanders. There was no reason to open the door and so we have something the Commission needs to deal with internally as the governing body of the County. They need to address it and not necessarily separate one person since it is a question of management. I would suggest you institute a program of anger control and you indicate to the Superintendent this should be handled internally as he originally said it would be and that you not affect anybodies employment record with probation or with suspension without pay." Chairman Sanders asked Mr. Carson if he would like to reply to Mr. Watkins statement. Mr. Carson said he would. "Lets talk first about whether this matter is in its proper procedural posture and I appreciate what Mr. Watkins has said regarding handling these matters internally. Lets understand what we are doing here today. We are not here today to finally resolve a grievance, which was filed by Mr. Sanders. We are conducting this internally. What we are doing here is the Board of County Commissioners has decided that there were allegations of behavior by employees and the question to be decided is whether or not discipline ought to be leveled against any of the employees involved in that incident. That was the purpose for which it was given to me to investigate it and to decide whether or not discipline ought to be leveled against anyone. Now, the grievance procedure Mr. Watkins is referring to provides for an opportunity for a hearing subsequent to the administration of discipline. You haven't

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done that yet. So we are doing it internally, the question before you is lets look at the facts and this is a common everyday occurrence in the workplace where an incident occurs, the employer looks at the facts, determines in the first instance whether any discipline ought to be administered and if so to what extent, issues the discipline, which hasn't been done yet, to the employee and if the employee chooses to disagree with it and take an appeal under the County's Grievance Procedure that can be done another time. So they will have their opportunity in the event the Commission decides it is appropriate to give discipline. I have made reference to the grievances filed by the various individuals because much information came from those and that was part of where we began looking at this. If you look at the Oscar Sanders grievance though it doesn't comply with Section 22, Grievance Procedure, which allows him to complain about having been disciplined unfairly because he hasn't yet been disciplined. It is not applicable to him grieving over a County Personnel Policy, which has been applied to him in his particular situation. This would typically be that some benefit section had not been applied properly and he wants to challenge that. That is not what we are here about today. What we are here about today is to, as I understood it, because it is easier for someone such as myself to conduct an investigation, the County Commission said look into these facts and tell us what we ought to conclude from them and if you make conclusions from them give us an idea as to whether or not discipline is appropriate and if so to what extent. So focusing strictly on Mr. Sanders, because he is Mr. Watkins client I recommend to you that he be suspended for two-days and placed on disciplinary probation for an extended period of time as I indicated in my report earlier. If you decide to accept that then you give him official notice that is what is going to happen to him by way of discipline. At a later date he can have this opportunity to challenge it under your grievance procedure. We are not there yet, not today, but we don't want to mix, cause I had another mission here, whether or not the single individual Mr. Sanders ought to be disciplined, but look at the circumstances that gave rise to this incident. That is why I expressed to you my feelings about other problems within the department that need to be acted upon affirmatively such as the training. I noted other behavior of other individuals, but the fact I was alluding to; Mr. Sanders' grievance was simply caught up in the picture. We are here to decide whether or not the Commissioners believe discipline is appropriate and if so to what extent." Mr. Watkins said he would like to respond to Mr. Carson by saying "I guess there is a difference of opinion, the County has somewhat been buried in law suits, but I don't see the need to go any further than where we are today. I think the anger management suggestion is certainly well taken. I don't like making a Federal case out of something that happened in a work place when it can be resolved with all the hearings we are talking about having. I'm trying to short stop those hearings. We don't need the expenses of a number of appeals and as we said we can go ahead and you issue your final order, but I think that practical way to resolve this thing is anger management, a suggestion in resolving this issue. Accept this portion of Mr. Carson's recommendation and let the rest be resolved internally". Chairman Sanders asked if the Board had any comments. Commissioner Mosconis said "Ben, what your suggesting is, I need to get a little feed back from Leonard by the way, so if Hubert, Hubert can levy the same punishment that he recommended to us, is that what you're asking to do here, you just asking a different procedure". Mr. Watkins replied "That is all that I am asking. That it be sent back and resolved internally as the initial program was before they went

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and involved the SO, I think it should be resolved over there within the department as a matter that a superintendent... Prentice Crum would resolve it within that department". Commissioner Mosconis asked Mr. Carson "Is there a way of doing that?" Mr. Carson replied "I certainly concur with Mr. Watkins about the business of going to the SO, which is beyond what we are here about today and that is not, I noted that is occurred, simply because it is one of the facts. I certainly think, from the standpoint of the County Commission, what you can do here today is to deal internally as he said with what occurred, which is to decide whether or not discipline is appropriate and if so what is appropriate. We have nothing to do with the SO investigation and the Incident Report filed with them. I would much prefer that not be one of the blocks we are dealing with here, however the question we have to decide however it is done, whether it's done by a department head, Mr. Chipman, or determined by the Commission the question is did the behavior of Mr. Sanders justify the punishment by way of discipline. If the answer is yes, the question becomes how much. If then Mr. Watkins wants to, since he would have the opportunity to do so, could view this and file whatever paperwork he feels in necessary. I think there are other things, I did not recommend anger management, but it is certainly not an inappropriate suggestion for his client. If he likes what the Commission has determined or what Mr. Chipman has determined that is fine, that is acceptable, but if he doesn't then they have the opportunity to come back up before the County Commission and argue it out, present whatever argument they want to. I think we are at a preliminary stage here we are not there yet. Now, my feeling was that I looked at what happened and what was the appropriate measurement of punishment. I am certainly not suggesting that anyone go to the SO and take any action beyond that. I concur with him, I think we are here to talk about the internal problems within the public works, and we are not talking about police activities. Commissioner Creamer said "But, if they try to handle it internally and Mr. Chipman decides on the two-day suspension and ninety-day probation wouldn't that look like retaliation on Mr. Chipman's part since he is directly involved with the grievance". Mr. Carson said "That is a good point actually since that is the point Mr. Sanders brought up. Normally you would file the grievance at a lower level. Mr. Sanders' department head was the object of one or one of the persons involved in the incident that would not be appropriate so he brought it up to this level by taking the grievance to the Clerk of Courts, Mr. Wade. That is how it got up this high to begin with and I believe that the other individual in chain of command was also one of the individuals in Mr. Sanders grievance. So he brought it up here so it would be more appropriate, in my judgment, to have the County Commission act rather than Mr. Chipman because I think you are right Commissioner Creamer that we would have one of the actors involved in determining the level of punishment. I think it is certainly better for all parties including Mr. Sanders to have it done at this level not drop it back down again. I would much rather it be handled here". Chairman Sanders asked if the Board have anything further. Commissioner Putnal said "The only thing, Cheryl, that I would agree with I promised and I am not going back on my word, that I would take our attorney's recommendation. That's what I am going to do because I said I would and usually if I say something, unless you prove me wrong, I do it". Commissioner Mosconis stated, "We all agreed to that, Bevin". Commissioner Williams said, "I myself personally asked couldn't they handle this internally and I was told it had gone too far. That we had to bring the attorney in to investigate it. We said then that whatever he recommended

that is what we would go by. I am going to stick to my guns now. I tried to get it stopped and they said it had gone to far so whatever he recommends that is it". Chairman Sanders asked the Board if they were ready to vote. Mr. Watkins said, "This could go back to the department for internal handling and leave out the SO. All of us agree it could go back to the department then the department could make their recommendation under Step 1 procedure and then move forward...it might be resolved at that level. There is a good chance, when people in reflection, can resolve things that initially they.... I think it could go back to the department under Step 1 and then that recommendation could be appealed to the Board. It might solve this problem if the matter goes back to the department. If not we can go through Step 1, 2, and 3 and then any other steps we need to in the County. I think, Mr. Carson will agree, it can go back to the department for Step 1 procedure". Commissioner Mosconis said "But, wait a minute Ben, you contradicted yourself. If we did what you are suggesting and said okay I appreciate the attorney's report, but we are going to give it back to Hubert. Then Hubert hypothetically says okay, Oscar you got two-days off without pay and ninety-days suspension that's the punishment I am giving you and we all going to do some training. What you saying is it would be dropped then, Ben, you just said it would be dropped if you did that, but if we do it like he said to do it through this procedure then you say there is going to be more to it". Mr. Watkins replied "Sure there is going to be more to it if you impose the recommendation of the labor attorney, Mr. Carson". Commissioner Mosconis asked Mr. Watkins "Then what are you suggesting? That we turn it back internally to be taken care of, do you have anything in mind for a settlement?" Mr. Watkins replied, "No, I have in mind that the Commission could very well evidence that this thing is over by agreeing not to take any action. They might recommend some training or other remedies. You can resolve it right here without sending it back if you wanted to". Commissioner Mosconis said "But, Ben I am getting two signals from you and if what you are suggesting is, and we talked about this a month ago when this process started is that Hubert handle it. If Hubert did exactly what our investigator, the Labor Attorney, showed or recommends... what's the difference". Mr. Watkins said "You are right back where you started today that's...." Commissioner Mosconis interrupted Mr. Watkins and said "But, what I am trying to find out is what is acceptable in house middle ground here". Mr. Carson said "I think, the problem I see, here is that Mr. Watkins is concerned about the SO action. That is not part of the County's doing, we are not involved in this matter. If he understood that was any part of my recommendation he wanted to be clear it was not. It was simply an observation that this had taken place. I am certainly not recommending, and I wish it hadn't gone that far, any action through the criminal justice system or the SO, but the problem, the disconnect we have, although we agree on that if the Commission were to follow the recommendation and give him two-days and training in house and other punishments that were appropriate I don't know that it is within our authority to make the other go away, because it is not our doing to begin with. I think the thing really troubling Mr. Watkins is his concern about the SO being involved. He said I am saying I agree with you, but I don't have anything to do with that part nor does the County Commission". Mr. Watkins said "I follow you, but the SO report is not that great of a concern except that it should have never happened. I don't think there are not going to be any criminal charges filed, if there is I think they would be disposed of summarily. I think they might be charges both ways and then we will get into more problems. My

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suggestion would be that the Commission says we accept the recommendation in so far as it refers to management training and that we leave the matter as is. Probably if you just took the action today that you are not going to do anything other than accept the recommendation for management control we would, I think they've all learned something from this incident. I think maybe it's been a true learning process everybody has got to watch what they do and they might have benefited enough from it that we are not going to have any more problems. So that's, I hope, and maybe this way it will get this thing out of the way without filing charges. It says in the grievance there were not criminal charges filed as a result, I don't think there is going to be any criminal charges. The only thing we are going to do is try to resolve now and see if everybody didn't learn something from the experience and live by it in the future". Commissioner Putnal said "Mr. Ben, the reason why I asked Mr. Carson to head up this investigation and give us a recommendation was because Hubert was involved in this grievance deal. I don't think one guy that's got a grievance against another should make a decision on that guy. I don't think that would be fair". Mr. Watkins replied, "I don't have any problems with Mr. Carson doing a through investigation and naturally the conclusions of his about the injury to the eye is going to be different. There is going to be a difference of opinion". Commissioner Putnal said, "But, that's something Ben, that needs to be handled away from us that would be like me and you going out there and fighting in the street that wouldn't have anything to do with this Commission. We would have to go to Court to settle it I would think". Mr. Watkins said, "I am just trying to short stop a lot of decisions that would cost us taxpayers a lot of money. I am trying to resolve it in a practical way and hope that everybody will learn from this experience to control their actions. I hope there will be no more spray I hope going around the Superintendent's Office or the headquarters over there. I hope they will all benefit from what we've had so far and we'll live happily ever after". Commissioner Putnal said, "I think so". Chairman Sanders asked if Mr. Carson had any response. Mr. Carson stated, "My recommendation was based on what I think the County needs to do to properly administer its workforce. I think that, and I am inclined and I try to, portray this in his report, but I do not think this is something that rises to the level of going to the SO and I wish that had not occurred, certainly its complicated life for all of us here. However, that is not anything that we are involved in so I think that the action that took place by a supervisor to a subordinate, although I understand how it occurred, needs to be disciplined. I think in determining the level of discipline we have to find an appropriate one and I think that two-days is an appropriate one. I think that the probationary period of ninety-days is intended to allow us that period of time that counsel is talking about to let everybody get their bearings here and this could be the first day of the rest of our lives here as far as I am concerned. We go forward on a better posture and that is what it was intended to do, to send a clear message that we need to do things differently and that sort of behavior is inappropriate and will not be tolerated. By going further and pointing out that there were other things such as the training that was necessary it was an observation, a recognition on my part, that there was a reason why this circumstance or circumstances gave rise to this we need to deal with as well. I think it is in all of our interest that the training be accorded. I think there is a lesson to be learned by all of the individuals but, I think that it is important that the Commission act on what is the first instance of the disciplinary issue. I believe it calls for that discipline, I think its appropriate, I don't think we are getting

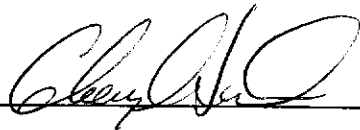
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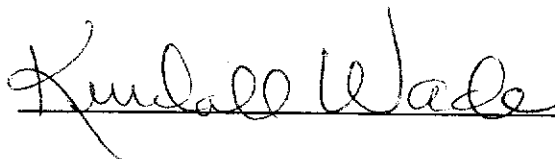
into...I would hope that if the Commissioners were to accept that punishment I recommend that counsel and his client would accept that and go on from there, but if he doesn't I agree he does have the opportunity to challenge it again under the grievance procedure". Commissioner Putnal said, "He just said that he would accept that". Mr. Carson said, "He can do it, but I think you must act, you must act now, you must resolve this and I want to make it very clear that no part of his recommendation is anything to do with going beyond the County Commission, going to outside entities, I wish it hadn't happened and I agree that we ought to do it internally. This is where it is done internally at this level, unfortunately because of the involvement of the department head. We must make that determination now and go on from there". Commissioner Creamer asked Mr. Carson "Has policy and procedure been followed so far, as far as the events that took place?" Mr. Carson replied, "Yes, I believe it has because my understanding of the grievance procedure is that the grievance procedure is the opportunity for Mr. Sanders to challenge punishment once it has been administered and it hasn't been administered yet so he still has that opportunity. I am not at all suggesting he doesn't, I think he does. It begins from the time you decide what to do. These other grievances, and I tried to show it, in the grievance that Mr. Sanders filed that it really doesn't go to, it was more, well you did it to me, but there are things you did wrong as well, that's the way I view that grievance. So yes, we are in the proper procedure posture, I think we are, decide if you think punishment is warranted, if so determine it and let the parties go on with their lives with what we have learned from all this". Mr. Watkins said, "I don't like to play ping-pong and go back and forth. I will quit the ping-pong after this, but counsel bought up new matters therefore we play ping-pong. You noticed that all the discipline directives go to one man. You seem to forget there were two other grievances that were bought before the Board....but, all the discipline recommended is directed at Mr. Sanders not anyone else, so with that and appreciation to counsels approach to it my suggestion is that we spend a little time to work this out". Chairman Sanders asked Mr. Carson if he had anything else to say. Mr. Carson said, "I am almost afraid to pong again here, but I think I have said what I need to say Madame Chairman". Chairman Sanders asked what the pleasure of the Board was. Commissioner Creamer said "I just know one thing we cannot send it back to, as an in house thing, with the supervisor being directly involved with a grievance. It is in our laps, we are the ones here to make the decision today, we know that. We need to go ahead and move on". Commissioner Putnal said, "What did I say when I told ya'll to hire the attorney". Commissioner Creamer said, "We were going with the recommendation". Commissioner Putnal said, "Right and I make the **motion to accept Mr. Carson's recommendation**". Commissioner Creamer seconded the motion. All for. Chairman Sanders abstained. **MOTION CARRIED.** Commissioner Mosconis asked Mr. Carson, "Can you give us some direction on sending our supervisors to some training, there has got to be some in Tallahassee". Mr. Carson replied, "Sure, yes there is, I will look into that and I also understand Madame Chairman that part of the recommendation that you are adopting is to send a strong message that discipline has got to be properly dealt with and people that are in positions of authority have got to exercise that authority appropriately. I think they need the tools to be able to do this. I can help get these individuals the proper training". Kendall Wade, the Clerk said "If you can send me a schedule of classes or any information I would be glad to meet with Mr. Chipman

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so the classes can be scheduled, thank you". Chairman Sanders asked if there was any other business concerning this from the Board.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD
THE MEETING WAS AJDOURNED.**


_____ **CHERYL SANDERS, CHAIRMAN**


_____ **KENDALL WADE, CLERK**