

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
TERMINATION HEARING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
FEBRUARY 17, 2009  
3:00 PM**

**MINUTES**

**Commissioners Present:** Joseph Parrish – Chairman, Bevin Putnal – Vice Chairman, Pinki Jackel, Cheryl Sanders, Noah Lockley

**Others Present:** Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Attorney Lucy Turner representing Franklin County, Van Johnson and Fonda Davis - Franklin County Solid Waste Department

Attorney Dan Cox representing Lawrence Michael Bodiford

**Call to Order 3:08**

Chairman called the meeting to order.

Attorney Lucy Turner stated the reason and the procedure for the termination hearing. Mr. Cox stated that he agreed with the reason and the procedure stated by Attorney Turner.

Attorney Turner explained the benefit of inmate labor to the County, and that Mr. Bodiford's certification was revoked by the Department of Corrections for leaving an inmate unsupervised at his home, which is a violation of the Department's rules and regulations. Without his inmate certification, Mr. Bodiford was recommended for termination, as stated in the County's employment policy. Attorney Turner then gave a timeline of the events leading up to this hearing, including a previous incident where Mr. Bodiford's certification was suspended for a similar type of incident. Attorney Turner stated that the County has tried to find another position that Mr. Bodiford could occupy, where inmate supervision would not be needed, but there are no vacant positions. Attorney Turner stated that Mr. Bodiford has not applied to the Department of Corrections for recertification, so she supports Mr. Johnson's recommendation to terminate Mr. Bodiford. Attorney Turner submitted exhibits 1 – 9 for acceptance.

**Motion by Jackel, seconded by Sanders, to accept exhibits 1-9 as presented by Attorney Turner, Attorney Cox did not object; Motion carried 5-0.**

Commissioner Putnal stated that as much as the County depends on inmate labor, the Board also has to consider the high employment rate and due to the fact of the hiring freeze that is in effect, the County will be unable to fill the position that the termination of Mr. Bodiford will create.

Attorney Cox explained that while on duty Mr. Bodiford received word that his mother in law had a heart attack, while she was in the hospital, and was unable to contact his wife. While he was working in the area of his home, Mr. Bodiford saw his wife outside of the house on the porch, parked and left the truck with the inmate in it, and asked his wife if he had heard about her mother. Attorney Cox stated that Mr. Bodiford never left the general vicinity of the truck. Attorney Cox stated that there was no appeal process to the Department of Corrections available for Mr. Bodiford to try and have his certification reinstated.

Chairman Parrish asked if Mr. Bodiford is allowed to work without inmates how would that affect the County, especially during a disaster recovery.

Mr. Johnson explained the importance of inmate certification to the County, especially for the cost of labor hours and during disaster recovery. Mr. Johnson explained that he is also certified to supervise inmates.

Chairman Parrish said that the County policy states that an employee shall be terminated, not could be or should be terminated, and was not in favor of waiving this policy because of how it would affect future matters.

Mr. Johnson stated that he only has two positions that are not certified to supervise inmates, both of which are filled.

Commissioner Jackel asked for the initial reason for the removal of Mr. Bodiford's certification and Department of Correction's appeal options for recertification.

Attorney Turner stated that Mr. Bodiford's certification was revoked because he had an inmate on his personal property that was unsupervised. Attorney Turner explained that Mr. Bodiford has the option of filing a case in circuit court or requesting an administrative hearing with the Department of Correction.

Attorney Cox explained that because of the cost and time Mr. Bodiford did not pursue any of these options.

Attorney Turner confirmed that this was Mr. Bodiford's second incident of this type.

Commissioner Jackel asked if and when could Mr. Bodiford seek recertification.

Attorneys Turner and Cox agreed that only the Department of Corrections could decide that.

Commissioner Sanders asked if the sight and sound rule, regarding the supervision of inmates, could apply in this case.

Mr. Johnson explained that the inmate was on private property, and Mr. Bodiford was outside of his assigned area.

Commissioner Jackel and Mr. Johnson discussed the amount of certified inmate supervisor in his department, the process used to advertise for certified inmate supervisors, and the process of discharging employment candidates who are unable to be certified in the required time. Attorney Turner read the rules and regulations that applied to County positions that require certifications to supervise inmates.

Commissioner Putnal and Mr. Johnson discussed the proper procedure that Mr. Bodiford should have followed in that instance.

Commissioner Jackel and Mr. Johnson discussed how Mr. Bodiford's violation was reported to the Department of Corrections.

Commissioner Lockley and Mr. Johnson discussed the current condition of Mr. Bodiford's mother-in-law.

Mrs. Sue Bodiford, Mr. Bodiford's wife, gave her account of what happened that day, stating that the inmate was being supervised at all times even though he was on their property.

Attorney Turner and Mr. Johnson stated that the Department of Corrections, not Franklin County, revoked Mr. Bodiford's certification and these points of fairness should be discussed with the Department of Corrections. Attorney Turner also reminded the Board that this is the second time that Mr. Bodiford has violated this rule.

Commissioner Lockley and Attorney Turner discussed the length of time these types of incidents are kept in employees files. Attorney Cox objected to some of Turner's statements.

Mr. Johnson stated the initial training that is received, and informed the Board that Mr. Bodiford received additional training after his first violation.

Chairman Parrish stated that he was very sympathetic to Mr. Bodiford's situation but if an exception was made for Mr. Bodiford, the County would be unable enforce this rule with any other employees.

Commissioner Jackel stated that the problem is that the employee is no longer able to fulfill the duties he was hired to fulfill, and there was no commitment from Mr. Bodiford to seek recertification.

Commissioner Sanders hoped that Department of Corrections will be consistent with their actions.

Board discussed this matter further.

**Motion by Sanders, seconded by Lockley, to accept Mr. Johnson's recommendation to terminate Mr. Bodiford; Motion carried 4-1, Putnal opposed**

Commissioner Lockley asked if the today's vote could influence the Department of Corrections decision. Attorneys Turner and Cox and Mr. Johnson didn't think that it would.

Board discussed the possibility of rehiring Mr. Bodiford if the Department of Corrections ever recertified him.

Attorney Cox stated that, since this process has taken so long, Mr. Bodiford would like to get paid for his 60 hours of sick leave, even though it is not allowed under County policy. Attorney Turner stated that if this request is granted and another issue like this is presented to the Board it would be hard to deny this request

**Motion by Jackel, seconded by Sanders, granting Mr. Bodiford payment for half of the sick leave he has accumulated; Motion carried 5-0.**

**Motion by Sanders, seconded by Lockley, authorizing the Clerk to issue a check to Mr. Bodiford for half of his sick leave; Motion carried 5-0.**

Board agreed that the position that will be vacant as a result of Mr. Bodiford's termination will remain vacant until there is a change to the hiring freeze that is in effect.

**Adjourn**

Chairman Parrish adjourned the Termination Hearing.

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Joseph Parrish – Chairman FCBCC

Attest:

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Marcia M. Johnson – Clerk of Court