

GRAND FORKS COUNTY SPECIAL MEETING – August 24, 2012 – 10:00am

Topic: Assistant Veterans Service Officer Termination Appeal

The Board met pursuant to adjournment with Commissioners Schmisek, Pic, Murphy, Knauf and Malm present.

Lee Finstad, Veterans Service Officer, addressed the board regarding the termination of the Assistant Veterans Service Officer. See attached notice of suspension and dismissal.

Lou Lombardi addressed the board regarding the termination. See attached appeal.

Peter Welte, States Attorney, addressed the board.

Moved by Malm, seconded by Knauf, to recess for a closed executive session, pursuant to NDCC 44-04-19.1 and 44-04-19.2 for attorney consultation on possible future appeals of this action. It was 10:45am. Motion carried.

Moved by Murphy, seconded by Malm, to end the executive session and resume the special meeting. Motion carried. It was 11:26am.

Moved by Malm, seconded by Pic, to recess the special meeting until Peter Welte and Ed Nierode return with the discussed motion. Motion carried. It was 11:28am.

Moved by Malm, seconded by Pic, to resume the special meeting. Motion carried. It was 11:47am.

Moved by Malm, seconded by Pic, the Hearing Body makes the following specific findings and conclusions:

- 1) With regard to whether the Department Manager followed protocol per policy 105-24, the Commission finds that the protocol was not reasonably followed. The employee is afforded procedural and substantive due process, in the form of notice and an opportunity to be heard, and the employee in this matter was not afforded such due process.
- 2) With regard to whether the disciplinary action was taken within a reasonable time in proximity to the conduct resulting in the discipline, the Commission finds that the disciplinary action was not taken within a reasonable time in proximity to the conduct resulting in the discipline. To the contrary, only 2 ½ weeks prior to the action, the Department Manager was presenting written documentation to the Commission that was very favorable to the employee, and at that time the Department Manager was requesting favorable action by the Commission to the employee. For the Department Manager to request termination of that employee on August 3, only 2 ½ weeks later, is not reasonable.
- 3) The Commission finds that there is not reasonable, credible and substantiated evidence to support the disciplinary action taken.
- 4) The Commission finds that due cause does not exist for disciplinary action.
- 5) The Commission finds that the disciplinary action was not reasonable.

The Commission orders that the employee be reinstated back to the date of the disciplinary action, with full back pay and benefits.

The Commission orders that the employee be on paid administrative leave until his specified return to work date, which shall be September 10, 2012.

The Commission orders that the employees personnel file be placed in a state such that all reference to this action shall be removed from the employees personnel file.

The Commission takes specific note of the statement by the Department Manager that he will take disciplinary action against the employee if the Commission reinstates the employee. The Department Manager and his support staff are cautioned as follows: there are Federal and State Laws prohibiting any retaliatory conduct by the Department Manager or his support staff. Any hint of such conduct will be addressed in a swift and proper manner. Motion carried.

Moved by Pic, seconded by Malm, to adjourn. Motion carried. The meeting adjourned at 11:52am.

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John Schmisek, Chair  
Grand Forks County Commission

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Debbie Nelson, County Auditor