

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, August 10, 2004, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:00 PM.

**ROLL CALL**

**PRESENT:** Chairman Donald E. McGinnis, Jr.  
Commissioner Patrick Daugherty  
Commissioner David Cannon (Absent/Excused)

**ALSO PRESENT:** Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Captain Edward Murphy, Sgt. Michael Bjork, Sgt. Thomas Gordon, Sgt. John Schaufler, Barbara A. Holmes - Deputy City Clerk, Greg Schultz – Lange & Cholack, P.C., Christine Felts – Court Reporter – Christine Felts & Associates, Petitioner Jamie Hill

**Approval of Minutes of February 26, 2004**

Resolution #CSC-2004-02-008

Moved by McGinnis

Seconded by Cannon

RESOLVED, That the Minutes of the meeting of January 22, 2004 be **APPROVED** as presented.

Yes: McGinnis, Cannon

No: None

Absent: Daugherty

**Petitions and Communications****(a) Request for an Act 78 Appeal Hearing – Jamie Hill**

Chair McGinnis asked the petitioner if he would prefer to postpone the hearing until there is a full complement of the Commission.

Mr. Hill replied that he would waive that right at this time.

Chair McGinnis asked the petitioner if he had any evidence to present.

Mr. Hill replied that he did not have any evidence, but that he did have mostly questions that he would like to raise.

Greg Schultz, legal counsel from Lange & Cholack, P.C., distributed documentation relative to the petitioner's hearing.

The hearing **RECESSED** at 7:08 PM to allow time for review of the documentation presented by Mr. Schultz.

The hearing **RECONVENED** at 7:16 PM.

Chair McGinnis advised that this is the first time any documentation was presented to the Commission relative to the petitioner's hearing.

Mr. Hill noted that this is the first time he has seen any kind of documentation of this kind also. He added that he requested copies of his employment file, but the document presented tonight was not in his file.

Chair McGinnis advised the petitioner that based upon what the petitioner has read tonight, that he may request a postponement to review the documentation and come back before the Commission at a later date. He further noted that the petitioner cannot challenge the documentation based upon what he thinks, but rather he must return with evidence.

Chair McGinnis questioned whether the petitioner had the appropriate documentation in terms of his defense of the allegations.

Mr. Schultz noted that the summary appears on page five of the document and that the first four pages only serve as background information.

Chair McGinnis asked Mr. Hill to be prepared to address all the allegations in an orderly way with evidence of why he believes the city has done something improperly.

Commissioner Cannon agreed that the petitioner must make his case.

Mr. Hill believes he needs additional documentation regarding the investigation.

Chair McGinnis responded that there may or may not be more documentation.

Commissioner Cannon would like to hear what the petitioner's claim is.

Mr. Hill questioned how he could prove his point.

Chair McGinnis explained that the hearing is not conducted as a jury trial. He added that the petitioner could represent himself and ask questions directly, or hire an attorney as to why the city is denying him employment.

Chair McGinnis asked the petitioner how much time he will need to make his case.

Mr. Hill responded that he would need at least a week.

Chair McGinnis asked the petitioner to contact the City Attorney's office in writing as soon as possible so that the matter may be concluded.

Lori Bluhm requested that the petitioner prepare a list of what he is looking for.

Chair McGinnis agreed adding that it would provide the city with an opportunity to look at the matter more thoroughly and faster.

Mr. Schultz noted that he understands that Sgt. Gordon provided the petitioner with the opportunity to meet with him.

Chair McGinnis restated that the petitioner has not seen this document until tonight and should have at least been given the summary to review. He noted that the documents could be reviewed on camera.

Chief Craft advised that they will provide all documentation that the decision was based upon if requested.

Chair McGinnis believes the documentation can be limited to the summary and added that the decision is ultimately up to the department.

Chair McGinnis and Commissioner Cannon agreed that any information deemed confidential could be struck from the summary.

Chair McGinnis asked if the petitioner was going to hire an attorney.

Mr. Hill replied that he would.

Chair McGinnis noted that at this time, the appeal hearing is postponed to date to be determined.

Chair McGinnis further noted that the documents presented by Lange & Cholack, P.C. were returned to Mr. Schultz at this time.

**New Business:** None presented

**Old Business:** None presented

**Adjournment:** The meeting was adjourned at 7:36 PM.

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Donald E. McGinnis, Jr., Chairman

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Barbara A. Holmes, Deputy City Clerk