

CITY PERSONNEL BOARD

November 21, 2024

MEETING

Meeting was held Thursday, November 21, 2024, Council Chambers, County-City Building, Lincoln, Nebraska.

Members present: Susan Sapp, Ryan Dale, Zach Bogart, and Maggie Schiefen. Member absent: Christy Abraham. Human Resources department resource staff attending: Malerie McNair.

The meeting was opened at 12:00 p.m. by Chair Ryan Dale.

Agenda Item 1 was to approve the minutes from the November 8, 2024, meeting. Will be moved to next meeting since not enough members present from November 21 meeting to vote.

Agenda Item 2 was Public Comment. There was no comment.

Agenda Item 3 was Miscellaneous Discussion. There was no discussion.

Agenda Item 4 was for the request of appeal hearing for PAGE – Cedric Esquivel – Transportation and Utilities – Termination. Courtney Faller of Keating, O’Gara Law represented the appellant. Marna Munn of the City Attorney’s office represented the Transportation and Utilities Department. The proceedings were recorded by Patrick Quinn and are on file with him. Witnesses: Kevin Patak, Brittany Morino, Mike Stanford, Jeremy Lackey, Elizabeth Elliott, Anthony Clark, Jason Killingsworth, and Cedric Esquivel. Marna Munn and Courtney Faller jointly offered exhibits #1-#55. There were no objections to #1-#24. Chair Ryan Dale received #1-#24. Marna Munn objected to #25-#49 on relevance and stated that #50 and #51 are context and related to them, the City has no objection to #50 and #51 on their face, but are a package deal with exhibits #25-#49, which the City objects to #25-#51. After executive session, Chair Ryan Dale sustained objection to #25-#49 but stated it may not be a permanent decision as they continue to learn more about the case. Exhibits #50 and #51 were held to a later time, when it is brought up in the hearing. Marna Munn withdrew exhibits #52-#54, since the objection to #25-#49 was sustained. It was stated that exhibit #55 would be addressed during the hearing. Courtney Faller offered exhibit #50. Marna Munn objected to #50 on relevance. Chair Ryan Dale overruled the objection. After executive session, Chair Ryan Dale reversed the sustain objection to #25-#49 to now receive the exhibits, as well as exhibit #50, with two curbs of incidents outside of PAGE. Those curbs were 1.) Incidents where Ms. Elliot was the decision maker and 2.) if they involve some sort of progressive discipline or a component beyond accidents. Marna Munn then offered #52-#54. Chair Ryan Dale received #52-#54. Marna Munn offered exhibit #55. Courtney Faller objected on relevance. Chair Ryan Dale overruled the objection and received #55. Exhibits received were #1-#50, #52-#55. Following discussion, it was moved by Susan Sapp and seconded by Maggie Schiefen to deny the appeal. Motion unanimously approved by roll call vote.

Chair Ryan Dale requested that Marna Munn, as the representative of the prevailing side, submit the findings of fact and conclusions of law within seven working days. He stated that he would review the submission and deliver the finalized copy to both parties within 15 working days.

There being no further business, the meeting adjourned at 9:45 p.m.

The next regularly scheduled meeting is tentatively set for December 19, 2024.

Malerie McNair
Human Resources

PC:	City Directors	Cedric Esquivel
	City Clerk	Courtney Faller
	Union Presidents	Marna Munn