

CALL TO ORDER The meeting was called to order at 12:00 noon by Peter Watercott, President.

PRESENT Peter Watercott, President
D. Scott Clark, M.D., Vice President
Michael Phillips, M.D., Secretary
John Ungersma, M.D., Treasurer

ALSO PRESENT John Halfen, Administrator
Douglas Buchanan, Esq., Hospital District Legal Counsel
Adam Taylor, Information Technology Department Head
Jeanette Smith, former Information Technology Senior Help Desk Technician
Sandy Blumberg, Administration Secretary

ABSENT M.C. Hubbard, Director
Richard Nicholson, M.D., Chief of Staff

PUBLIC COMMENTS
ON AGENDA Mr. Watercott asked if any members of the public wished to address the Board on any items listed on the agenda for this meeting. No comments were heard.

CONSIDERATION OF
AN EMPLOYEE
GRIEVANCE Mr. Watercott referred to the first item on the agenda, an employee grievance filed by Jeanette Smith, former Senior Information Technology Technician and Applications Analyst who was terminated from employment at Northern Inyo Hospital (NIH) on December 26, 2007. Ms. Smith was terminated “for not making arrangements for covering assigned call time while on vacation, per standard procedure for the Information Technology (IT) department”. Ms. Smith filed a grievance objecting to her termination which was reviewed by her immediate supervisor and by Administration, both of whom rejected her request for reinstatement. Mr. Halfen explained that the next step in the grievance procedure is to request a hearing of the District Board, which is the reason this meeting was called.

Mr. Watercott stated protocol for the grievance procedure is to allow the grievant to present their case for reinstatement first. Ms. Smith read a prepared statement requesting reinstatement, then addressed the Board stating her feeling that her termination was the result of a verbal misunderstanding between herself and her supervisor. She further stated that she did in fact take call following her return from vacation in December, and that she turned her pager on prior to 5pm on December 21 2007 per the assigned IT Department call schedule. Ms. Smith also stated she was surprised by her termination because she has received positive annual reviews and was unaware that issues existed between herself and Information Technology Department Head Adam Taylor. Ms. Smith

further stated she feels she has always performed her assigned duties to a high standard and has received positive feedback from her supervisors as well as from her peers. Ms. Smith believes her termination was wrongful and should be overturned by the Board, and she also noted her recent evaluations have documented improvement in previous problem areas of attendance and attitude. Following review of the Board packet for today's meeting Ms. Smith stated her feeling that Mr. Taylor is making a case for termination based on prior problems that have been resolved, rather than making a case for neglect to take call as referenced in her termination letter. Several friends and family members were present at the meeting in support of Ms. Smith.

Mr. Taylor presented documentation of what he considers to be ongoing problems with Ms. Smith's job performance in the areas of attendance, tardiness, and attitude, and he also referred to the incident where he believes Ms. Smith failed to provide call following her return from vacation. Mr. Taylor cited previous written warnings given to Ms. Smith including a final warning which was issued in 2006 for problems with attendance and tardiness. Mr. Taylor stated that regarding the December call incident, he had asked Ms. Smith to call him when she returned from vacation so he would know when she was back and available to take her assigned call. Ms. Smith neglected to contact him, which Mr. Taylor felt was appropriate grounds for termination, especially in light of the recurring problems which had taken place in the past. Mr. Taylor stated that the IT call agreement has been thoroughly discussed within the Department and is well documented, and that employees are responsible for covering their assigned call or finding a replacement. Mr. Taylor felt that Ms. Smith did not, in fact, make sure her call was covered because she did not call him upon her return to town to verify the fact that she was available.

Discussion of this issue followed, which involved questions from members of the Board as well as comments from members of the public in support of Ms. Smith. Past problems with job performance as well as past employee evaluations were reviewed, and it was established that on the subject of call, there was a discrepancy between Ms. Smith and Mr. Taylor's account of their verbal discussion regarding December call coverage. Ms. Smith re-stated that she took call when she returned from vacation by turning her pager on at the assigned time. Mr. Taylor re-stated his opinion that there was no indication that Ms. Smith was available to take call due to the fact that she did not call him and inform him of that fact.

The Board summarized the previous problems with Ms. Smith's job performance, the evaluations since that time that indicated improvement in problem areas, and reiterated that the call issue was a verbal disagreement between two parties that in fact was not documented in

writing. It was also noted by one Board member that he was hesitant to agree to the termination of an employee of 12 years who had repeatedly received positive performance evaluations during her period of employment. It was also noted that clarification of some of the Hospital's personnel policies is needed including specification of "final written warnings" and how long they are in effect after being issued. Following further discussion, it was moved by Doctor Phillips, seconded by Doctor Ungersma and passed to reinstate Ms. Smith's employment at NIH, with Doctor Phillips abstaining from the vote. It was also noted that if Ms. Smith had been contacted by phone following her failure to call in, much of this problem might have been avoided.

DISCUSSION OF
PARKING/LAYDOWN
PLAN FOR PHASE II OF
BUILDING PROJECT

Mr. Halfen reported that the second item on this agenda, discussion of the parking/lay down plan for Phase II of the building project would not be discussed at this meeting, due to the fact that the plan is not yet complete. This agenda item will be discussed at a future meeting of the District Board.

OPPORTUNITY FOR
PUBLIC COMMENT

Mr. Watercott again asked if any members of the public wished to comment on any items listed on the agenda for this meeting or on any items of interest. No comments were heard.

BOARD MEMBER
COMMENTS

Board members expressed their hope that resolution of the employee grievance could be viewed as an opportunity for growth for all parties involved. They also stated their hope that those involved would move forward in a positive direction to resolve any differences that may exist.

ADJOURNMENT

The meeting was adjourned at 1:20pm.

Peter Watercott, President

Attest:

Michael Phillips, M.D., Secretary