

New Lexington, Ohio

October 28, 2014

The New Lexington City Board of Education met in special session at 4:00 p.m. in the New Lexington School Board Administration Office, 1605 Airport Rd.

Members present: John McGaughey, Steve Burton, Jim Harley and Nicole Enright.

Pursuant to Section 121.22 {F}, Revised Code, the local news media along with the members of the Board of Education were informed of the meeting.

It was moved by Burton and seconded by Enright to approve the Five Year Financial Forecast.

THE VOTE: Burton, yes; Enright, yes; Harley, yes; McGaughey, yes. President McGaughey declared the motion carried.

It was moved by Harley and seconded by Burton to adjourn to Executive Session at 4:06 pm under the provisions of O.R.C. 121.22(G)(1) to discuss discipline of personnel.

THE VOTE: Harley, yes; Burton, yes; Enright, yes; McGaughey, yes. President McGaughey declared the motion carried.

Board President declared the Board in open session at 4:40 pm.

It was moved by Harley and seconded by Burton to approve the following Resolution **14-20**:

WHEREAS, the New Lexington City School District is a city school district in the State of Ohio and is subject to the provisions of Ohio Revised Code Chapter 124 regarding civil service; and

WHEREAS, Ohio Revised Code Section 124.34 provides that employees in the classified service of a city school district of the state shall be employed during good behavior and efficient service; and

WHEREAS, the New Lexington City School District Board of Education (“Board”) recognizes AFSCME Ohio Council 8 and Its Local 2020 as the sole and exclusive bargaining agent for all employees in the following classifications of the classified service with the New Lexington City School District: bus drivers, custodians, secretaries, head cooks, cooks, educational assistants, labor specialist, and nursing assistant; and

WHEREAS, the Board and Local 2020 are parties to a negotiated collective bargaining agreement (“Agreement”) in effect 2012-2015; and

WHEREAS, Article 10 of the Agreement provides that the Board shall have the right to discipline employees according to the applicable provisions of Ohio Revised Code; and

WHEREAS, Ohio Revised Code Section 124.34 provides, in pertinent part, that employees in the classified service of a city school district may be suspended or removed for inefficiency, dishonesty, insubordination, and violation of any policy or work rule of the employee's employer; and

WHEREAS, the Superintendent conducted an investigation of possible acts of inefficiency, dishonesty, insubordination, and violation of policy or work rule of the Board, committed by Local 2020 bargaining unit employee bus driver Lisa Blackwell, during the 2014-2015 school year and also extending back to the 2013-2014 school year with such acts specifically involving Lisa Blackwell's use of paid and unpaid leave from the District (including the Board's payment of its share of benefits associated therewith) in order to drive a bus for the Fairfield Christian Academy; and

WHEREAS, as a result of the investigation, the Superintendent has confirmed that Lisa Blackwell has committed acts of inefficiency, dishonesty, insubordination, and violation of Board of Education Policy 4113, Conflicts of Interest, in regards to such conduct and has recommended that Lisa Blackwell be terminated (also referred to as removed and/or dismissed) from employment with the District for these reasons and in accordance with Ohio Revised Code Section 124.34; and

WHEREAS, the Board publicly declared, at its regular public meeting held on October 20, 2014, its intent to initiate termination proceedings concerning Lisa Blackwell's employment with the District; and

WHEREAS, the Board directed its Superintendent to issue written notice of same to Lisa Blackwell with copies to her official representatives of the AFSCME Ohio Council 8 and Its Local 2020; and

WHEREAS, the Superintendent issued written notice of same to Lisa Blackwell with copies to her official representatives of the AFSCME Ohio Council 8 and Its Local 2020 on October 22, 2014, which contained a detailed description of the reasons for the action along with written notice of due process hearing to be conducted by way of special Board meeting on October 24, 2014, at 2:30 p.m. at the Board of Education's office at 1605-A Airport Rd., New Lexington, Ohio; and

WHEREAS, such hearing was conducted in executive session of the Board; and

WHEREAS, during the hearing, the Superintendent presented the Board with the following findings from the investigation involving Lisa Blackwell: on at least six (6) occasions during the 2014-2015 school year, (August 22 and 29, 2014; September 5, 12 and 26, 2014; and October 3, 2014) bargaining unit employee bus driver Lisa Blackwell requested leave from the New Lexington City School District (which included the Board's payment of benefits associated therewith) in order to drive a bus for the Fairfield Christian Academy and that Lisa Blackwell misrepresented to the Superintendent and to her supervisor, Director of Operations, Dave Rupe, the reason for which she was requesting said leave, when in fact said leave was used to drive a bus with pay for the Fairfield Christian Academy; and

WHEREAS, through the actions of Lisa Blackwell as described above, the Superintendent submits that the Board experienced inefficiency in the District's operations by having to hire a substitute to drive Lisa Blackwell's regular bus route on the dates at issue, and also on certain occasions had fellow employees performing such work; and

WHEREAS, through the actions of Lisa Blackwell as described above, the Superintendent further submits that the Board experienced inefficiency in the District's operations by being placed in a position of possibly having violated the Fair Labor

Standards Act and accompanying federal regulations and state laws on the payment of overtime, which is also addressed in the Board's Policy 6700, Fair Labor Standards Act; and

WHEREAS, the Superintendent submits that such acts were committed with insubordination to work rules and in violation of the Board's Policy 4113, Conflicts of Interest, Section A, which provides in pertinent part that "[t]he proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by the Board of Education's employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the School District. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees. 1. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system;" and

WHEREAS, Lisa Blackwell appeared in executive session of the Board for the due process hearing, with AFSCME Local 2020 President Jim Fain as her representative, and presented evidence for the Board's consideration in regards to this matter; and

WHEREAS, the Board has reviewed all matters presented in the case before it; and

WHEREAS, Article 10 of the Agreement provides that the Board has the right to suspend or discharge an employee for just cause;

NOW, THEREFORE BE IT RESOLVED, that the New Lexington City School District Board of Education hereby orders the termination (also referred to as removal and/or dismissal) of Local 2020 bargaining unit employee bus driver Lisa Blackwell from employment with the New Lexington City School District in accordance with the applicable provisions of Ohio Revised Code Section 124.34 and Article 10 of the Agreement for the reasons and on the grounds as stated above herein, with such action to be effective immediately;

BE IT FURTHER RESOLVED, that the Board directs its Superintendent to issue written notices to Lisa Blackwell and to Local 2020 and its Local President accordingly forthwith;

BE IT FURTHER RESOLVED, that the Board directs its Treasurer to issue a final reconciliation of employment status, including all financial and benefit related information, to Lisa Blackwell forthwith to her last known address.

THE VOTE: Harley, yes; Burton, yes; Enright, no; McGaughey, yes. President McGaughey declared the motion carried.

It was moved by Enright and seconded by Harley to adjourn the meeting.

THE VOTE: Enright, yes; Harley, yes; Burton, yes; McGaughey, yes. President McGaughey declared the motion carried.

President

Treasurer