

STATE EMPLOYEES' APPEALS COMMISSION

Eric J. Holcomb, Governor
Gabriel Paul, Director and Chief ALJ

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MINUTES OF THE REGULAR MEETING OF THE STATE EMPLOYEES' APPEALS COMMISSION DECEMBER 6, 2018

The regular meeting of the State Employees' Appeals Commission was held on December 6, 2018, at 9:00 A.M. EST, in the Indiana Government Center South, Conference Center Room D, 302 West Washington Street, Indianapolis, Indiana 46204. The Chair, Jonathan Mayes, called the Commission to order at 9:06 A.M. EST. The following four Commissioners were present, and constituted a quorum.

COMMISSIONERS PRESENT:

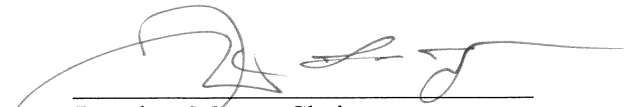
Jonathan Mayes, Chair
Cynthia Springer (arrived just before oral arguments began)
Frank Sullivan, Jr.
B. Curtis Wilkinson

1. The Commission considered the minutes from the April 10, 2018, meeting. Commissioner Sullivan moved for the minutes to be approved and Commissioner Wilkinson seconded. The Commission approved the minutes as written by a 3-0 vote.
2. The Commission noted fifty-seven (57) new Civil Service System complaints filed since the last meeting. The new Civil Service complaints were listed in the Commission's public agenda as follows:
 1. Jacqueline Tucker v. DCS, 04-18-022
 2. Leonard Love v. ISP-DOC, 04-18-023
 3. Angela Hooker v. PCF-DOC, 04-18-024
 4. Joseph Hedrick v. IVH, 04-18-025
 5. Gregory Carter v. IDEM, 04-18-026
 6. Sharon Brent v. DCS, 04-18-027
 7. Rodney Bergeron v. INDOT, 04-18-028
 8. Diane Stickans v. FSSA, 04-18-029
 9. Willie Reed v. ISP-DOC, 04-18-030
 10. Courtney Summers v. Hendricks County Courts, 05-18-031
 11. Kristi Strother v. PJCF-DOC, 05-18-032
 12. Rebecca Willis v. FSSA, 05-18-033
 13. Michelle Draper v. AGO, 05-18-034
 14. Amie Campbell v. LJCF-DOC, 05-18-035
 15. Christopher Krause v. AGO, 05-18-036
 16. Michael Jones v. WVCF-DOC, 05-18-037
 17. Eunice Berry v. WCF-DOC, 05-18-038

18. Maria Breitbach v. ISD, 05-18-039
19. Rene Galvan v. DCS, 05-18-040
20. Karen Purtell v. IDEM, 06-18-041
21. Todd Vanburen v. INDOT, 06-18-042
22. James Surd v. DOL, 06-18-043
23. Leticia Edington v. DCS, 06-18-044
24. Troy Smith v. LJCF-DOC, 06-18-045
25. Marci Hendricks v. DCS, 06-18-046
26. Louisa Mancilla v. DCS, 07-18-047
27. Tina Bowles v. SPD, 07-18-048
28. Kara Gutter v. PCF-DOC, 07-18-049
29. Thomas Smith v. LJCF-DOC, 07-18-050
30. Robert Rees v. INDOT, 07-18-051
31. Winifred Akinmboni v. FSSA, 07-18-052
32. William Ross v. DWD, 07-18-053
33. Brian Hollis v. MCF-DOC, 07-18-054
34. Michelle Goebel v. DCS, 08-18-055
35. Susan Duche-Bernard v. PCF-DOC, 08-18-056
36. Katherine Kinnaman v. PCF-DOC, 08-18-057
37. Alex Lesniak v. DWD, 08-18-058
38. Tabitha Weir v. PEN-DOC, 08-18-059
39. Anthony Lillig v. DWD, 09-18-060
40. Larry Steinbeck v. WCF-DOC, 09-18-061
41. Henry Harper v. AGO, 09-18-062
42. Terrance Lee v. WCF-DOC, 09-18-063
43. Bradley Robertson v. DCS, 09-18-064
44. Kiel Martin v. PJCF-DOC, 09-18-065
45. Rachel Bodkin v. CIF-DOC, 09-18-066
46. Shawn Baity v. WCF-DOC, 09-18-067
47. Josh Hall v. FSSA, 10-18-068
48. Michael Fitzek v. IWP-DOC, 10-18-069
49. Teresa Harsh v. FSSA, 10-18-070
50. Jeremy Elzy v. DCS, 10-18-071
51. Andrew Larson v. WCF-DOC, 10-18-072
52. Michelle Johnson v. DCS, 11-18-073
53. Pamela Lemish v. COL-DOC, 11-18-074
54. Adam Oszuscik v. WCF-DOC, 11-18-075
55. Anthony Siuda v. WCF-DOC, 11-18-076
56. David Winter v. WCF-DOC, 11-18-077
57. Jonathan Benchik v. FSSA, 11-18-078

3. Commissioner Sullivan moved to have the cases assigned to the Chief ALJ for further assignment. The motion was seconded by Commissioner Wilkinson and approved by a 3-0 vote.

4. The Commission reviewed the metrics for the first three quarters of 2018. Chairman Mays asked the ALJ if these metrics were in-line with SEAC's historical metrics and the ALJ affirmed that they were. Chairman Mayes also asked if SEAC kept metrics on the types of cases heard and whether or not the Petitioner has filed with other agencies, such as the EEOC. The ALJ said that SEAC did not keep these kinds of metrics, but most cases involve Title VII-type discrimination claims.
5. A discussion was then held concerning the 2019 Commission meeting dates. Chairman Mayes asked whether any cases will be ripe for oral argument in time for a spring 2019 meeting. The ALJ answered that he does have a number of motions for summary judgment in the briefing process, one case in the proposed FOF and COL phase, and one case scheduled for a hearing in February, 2019. April 30, 2019, and August 27, 2019, were set as the initial 2019 meeting dates, with a late 2019 date to be discussed at one of the future meetings.
6. The case of Peter Daza v. INDOT, SEAC Cause No. 01-16-007, was heard by oral argument on Petitioner's timely objection and Respondent's response. The Chief ALJ published the "Findings of Fact, Conclusions of Law, and Non-Final Order" on November 13, 2018, for the aforementioned case, which provided judgment for the Respondent after an evidentiary hearing. Petitioner Daza appeared by counsel, Mr. Richard Darst. Respondent INDOT appeared by counsel, Ms. Linda Jelks. Both parties provided oral argument. Upon public deliberation, motion, the Commission AFFIRMED the decision of the assigned ALJ in its entirety by a vote of 4-0 and adopted the Non-Final Order of the ALJ as the Final Order in this matter with no revisions.
7. Seeing no further new business, Chair Mayes closed the meeting at 10:43 AM with the next meeting set for April 30, 2019, at 10 A.M. in Conference Center, Room TBD.



Jonathan Mayes, Chair
State Employees' Appeals Commission

Date: April 30, 2019