

Minutes

Tempe Merit System Board

June 27, 2025

Minutes of the Tempe Merit System Board Meeting held in person at the Tempe City Council Chambers located at 31. E. 5th Street Tempe, AZ 85281

Boardmembers Present:

Jim Foley
Lori Messer
Bill Munch

Board Members Absent:

None

Others Present:

Melissa Heineman, Appellant
Kathryn Baillie, Appellant's Legal Counsel
Danielle Griffin, Court Reporter

City Staff Present:

Rebecca Strisko, Human Resources Director
Sarah Jenkins, Management Assistant II
David Park, Sr. Assistant City Attorney
Adrienne Ward, Sr. HR Analyst
Drew Yocum, Deputy Community Development Director – Community Enhancement

Witnesses Present:

Joel Guy, UAEA President
Natalya Ennels, Tax & License Specialist II
Robert Mannering, Environmental Compl. Inspector
Tameka Myers, Municipal Utilities Program Coord.
Christian Phillips, Police Officer
Jack Scofield, Code Enforcement Manager

Chair Munch called the meeting to order at 8:00 a.m.

1. Consideration of Meeting Minutes

Motion by Lori Messer to approve the March 8, 2024 Merit System Board Meeting Minutes; Second by Jim Foley. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Munch, Boardmembers Foley and Messer

Nays: None

Absent: None

2. Motion to Adjourn to Executive Session

No Executive Session was held.

3. Hearing on the Appeal of Melissa Heineman including Discussion and Consideration of Personnel Matters

Chair Munch said that the City of Tempe Merit System Board is convened today, June 27, 2025, at 8:00 a.m. in the Tempe Council Chambers to conduct a hearing and to make a recommendation regarding Melissa

Heineman's appeal of a disciplinary action.

This hearing involves a discussion of personnel matters and would normally occur in a private session; however, Ms. Heineman has requested a public hearing; therefore, all testimony and deliberations will occur in the public session. At the point of deliberations, the Appellant has the right to stipulate that deliberations may occur in Executive Session. There was a motion filed by Kathryn Baillie, attorney for the appellant on June 9, 2025 requesting a two-day hearing. A response was received from Senior Assistant City Attorney, David Park on June 11, 2025. After reviewing the motions, the request for a two-day hearing was denied.

The purpose of today's hearing is to review evidence, take testimony and make a recommendation to the City Manager as to the appropriateness of the disciplinary action taken against Melissa Heineman. Ms. Heineman was given a Part I Disciplinary Action on January 10, 2025. Ms. Heineman responded to these allegations in her Part II response dated January 24, 2025, and after the Community Development Department considered her response, she was given a Part III notice of termination dated March 17, 2025. Ms. Heineman requested an Administrative Review, which was conducted by Tara Ford, Public Works Director, on March 24, 2025. Ms. Ford supported the recommendation of termination after meeting with Ms. Heineman and reviewing information provided by the city as a part of the discipline packet. Ms. Heineman was terminated effective April 8, 2025 for violation of the following Personnel Rules & Regulations:

- 406.C.1 – exhibited a lack of sufficient competency or efficiency to perform assigned duties and responsibilities.
- 406.C.4 – been insubordinate or has failed to follow reasonable direction from a supervisor.
- 406.C.14 – knowingly been dishonest by deceiving, lying, omitting, misleading, misrepresenting or falsifying any statements, facts, documents, or reports in the course of performing their job duties and/or during a city investigation or official inquiry.

While this hearing is an informal fact-finding process, all parties are expected to conduct themselves with respect and consideration for one another. The Board is not bound by strict rules of evidence or procedure. As Chair, I will rule on objections, and I have the discretion to disallow evidence or testimony that is irrelevant, immaterial, incompetent or unduly repetitive.

The Board has the following responsibilities:

1. To determine whether there was sufficient evidence to support the City's findings that the Appellant violated rules or performed unsatisfactorily. If we determine that the evidence does not support the City's findings, we will recommend revocation of the disciplinary action.
2. To determine whether the city gave due consideration to relevant facts and circumstances surrounding the acts which led to the discipline. If we find that the charges were supported by evidence, but that other mitigating facts and circumstances were not considered, we may recommend a modified disciplinary action.

Under provisions of City of Tempe Personnel Rules, Section 407 F.1, the appealing employee has the burden of proof and will make the first presentation. Each party shall have 3.5 hours to present its case. That time includes opening statements, examination and cross examination of witnesses and presentation of closing arguments. Time devoted to the Board's questioning of witnesses will not be charged to either party. Either party may request a time check at any time. Breaks will be provided as needed. The hearing will recess for lunch at approximately 11:30 am for a period of one (1) hour. At the end of testimony and closing arguments, the Board will go into deliberations. At that time the Appellant will be given the opportunity to request the deliberations occur privately in Executive Session or be conducted in open session. Although this is a public hearing, comments from the public are not allowed. Please respect the process of the hearing and its' participants by remaining silent. The hearing will begin with the appellant's opening statement.

Kathryn Baillie, counsel for the appellant, presented an opening statement to the Board.

David Park, counsel for the City of Tempe, presented an opening statement to the Board.

Ms. Baillie called **Christin Phillips** as a witness to testify. After being placed under oath, Mr. Phillips was examined by Ms. Baillie and cross-examined by Mr. Park.

Ms. Baillie called **Robert Mannering** as a witness to testify. After being placed under oath, Mr. Mannering was examined by Ms. Baillie, cross-examined by Mr. Park and redirect by Ms. Baillie.

- Boardmembers Foley and Messer asked questions of Mr. Mannering.

Ms. Baillie called **Natalya Ennels** as a witness to testify. After being placed under oath, Ms. Ennels was examined by Ms. Baillie, cross-examined by Mr. Park and redirect by Ms. Baillie.

- Mr. Park objected to Ms. Baillie's line of questioning regarding the treatment of staff within the division, stating that it was irrelevant to the violations being discussed. Chair Munch sustained the objection.
- Boardmembers Foley and Messer asked questions of Ms. Ennels.

Ms. Baillie called **Tameka Myers** as a witness to testify. After being placed under oath, Ms. Myers was examined by Ms. Baillie and cross-examined by Mr. Park.

- Boardmembers Foley and Messer asked questions of Ms. Myers.

Ms. Baillie called **Joel Guy** as a witness to testify. After being placed under oath, Mr. Guy was examined by Ms. Baillie and cross-examined by Mr. Park.

Ms. Baillie called **Melissa Heineman** as a witness to testify. After being placed under oath, Ms. Heineman was examined by Ms. Baillie, cross-examined by Mr. Park and redirect by Ms. Baillie.

- Ms. Baillie objected to Mr. Park's line of questioning regarding whether Ms. Heineman was able to reschedule inspections due to inefficiency in that it misrepresents the previous statement. Chair Munch sustained the objection.
- Boardmember Messer asked questions of Ms. Heineman.

Mr. Park called **Drew Yocom** as a witness to testify. After being placed under oath, Mr. Yocom was examined by Mr. Park, cross-examined by Ms. Baillie, redirected by Mr. Park and re-redirect by Mr. Park.

- Ms. Baillie objected to Mr. Park's question regarding Mr. Yocom's awareness of concerns raised when the Solid Waste group was incorporated into Code Compliance. Mr. Park withdrew the question.
- Ms. Baillie objected to Mr. Park's question of what went into Mr. Yocom's thought process in determining an appropriate level of discipline as there is no evidence that Mr. Yocom had any say in the level of discipline. Chair Munch sustained the objection.
- Mr. Park objected to cross-examination regarding the allegations in Part I of the discipline read into the record by Mr. Yocom stating that it misrepresented the record. Chair Munch overruled the objection.
- Chair Munch and Boardmembers Foley and Messer asked questions of Mr. Yocom.

Mr. Park called **Jack Scofield** as a witness to testify. After being placed under oath, Mr. Scofield was examined by Mr. Park.

- Boardmember Messer asked questions of Mr. Scofield.

Ms. Baillie presented a closing argument on behalf of the appellant.

Mr. Park presented a closing argument on behalf of the city.

Ms. Baillie presented a 2nd closing argument on behalf of the appellant.

The Board entered deliberations at 4:33 p.m.

A transcript of the hearing is available.

Motion by Lori Messer for the Board to recommend that the City Manager overturn the disciplinary termination as the incumbent was not provided with appropriate training as there was not sufficient evidence presented to sustain the alleged violations. Second by Jim Foley. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Munch, Boardmembers Foley and Messer

Nays: None

Absent: None

4. Future Agenda Items

Chair Munch said that the City of Tempe Personnel Rules are under revision and will be forthcoming this summer for the Board's review and recommendation. The Merit System Board Guidelines are also under revision and will appear on a future meeting agenda. The next meeting is tentatively scheduled for August 18, 2025 at 8:00 a.m.

Adjournment

Motion by Lori Messer to adjourn the meeting; second by Jim Foley. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Munch, Boardmembers Foley and Messer

Nays: None

Absent: None

The meeting adjourned at 4:49 p.m.

Rebecca Strisko

Rebecca Strisko (Aug 18, 2025 08:34:07 PDT)

Rebecca Strisko, Local Board Secretary