

OFFICIAL MINUTES FROM THE BOARD OF TRUSTEES MEETING OF THE
ARKANSAS SCHOOL FOR THE DEAF
ARKANSAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

The Board of Trustees for the Arkansas School for the Deaf and the Arkansas School for the Blind and Visually Impaired met for a special meeting on April 1, 2016.

Present: Mary Weeks, Chairperson; Dr. Doug Watson, Vice Chairperson; Faith McLaughlin, Secretary; Susan Pack, Board Member; Everett Elam, Board Member; Harry Pompeo, ASD Parent Representative; Jim Hill, ASBVI Superintendent; Dr. Janet Dickinson, ASD Superintendent; Beth Smith and Zania Musteen, Interpreters;

Call to Order

Ms. Weeks called the meeting to order at 8:30 am.

**Action Item
Personnel Issue**

Ms. Weeks stated the action item is a personnel issue. Ms. Weeks said she was going to turn the meeting over to Dr. Dickinson. Dr. Dickinson said there was an employee that was terminated earlier this fall and then a grievance filed. She said going through the grievance process there was a hearing which Dr. Watson facilitated (that hearing) and now there is a settlement agreement. Ms. Farris stated the settlement contemplates whether the Board wants to finalize this individual's termination. She said the grievance procedures require the Board to make the ultimate decision. She said they had the settlement agreement and release and she passed copies out to the members. She said in short in exchange for waiving any and all causes of action (race or age discrimination or any kind of EEOC charge) employee is giving up her right to do that in exchange for reinstatement, she will work as a secretary in Food Services for Elizabeth Butler, back pay since the day of termination, she will get an accrual of annual leave that would have accrued since termination and the school will pay the amount that it would have paid toward her retirement had she not been terminated. She said basically it puts her back in the same position she would have been in had she not been terminated. She said the settlement agreement also agrees to pay her Career Service Bonus. Dr. Watson asked what the total dollar amount would be. Ms. Farris said they were not sure because it would depend on when she actually started working again. She said the day she actually starts working again is dependent upon three things. It depends on the Board approving the settlement agreement, the Director of DFA approving it, and it depends on the passage of seven (7) days from the day she signed the agreement (that date has already passed).

She said after that the rehire date can be established and Dr. Dickinson will need to make sure everything is in place for her to come back and that date will be used as a benchmark to when her back pay will be calculated and she will be paid at the same rate she was earning at the time she left. Ms. Weeks asked if there was a requirement as to how long she works before she (did not finish). Ms. Farris said it is our expectation and our agreement that she will come back to work and stay until as she chooses not to. She said they could not foretell the future. Ms. McLaughlin asked how it was that she was able to do this and request this. Ms. Farris said ultimately this was Dr. Dickinson's decision. She said she advised Dr. Dickinson on the law and what the options were and she made the decision to proceed with the settlement. Ms. Farris said that was something Dr. Dickinson would have to tell you about. Dr. Dickinson asked if that could wait until they go into Executive Session. Ms. Weeks said yes. Ms. Pack asked if she ever worked in this position or is this was the position you offered her and she refused. Dr. Dickinson said this is the position that I told her she had to move to and she refused. Ms. Farris said this is the only position available. Ms. McLaughlin said she did not understand if you move someone in another position does that mean that anybody that gets moved can sue the Board. Ms. Weeks said it depends on how the termination was made and the steps taken and we will discuss that when we go into Executive Session. Ms. Farris said that is part of the discussion of whether the Board wants to finalize her termination. Ms. Farris said she could not be there for that so if there was anything they wanted from her they had to get it now or go out of Executive Session to ask her. Ms. Weeks asked if she was going to stay. Ms. Farris said she was staying. Ms. Weeks said the Board would go into Executive Session at this time to discuss the termination in pursuant to a grievance. Ms. Farris said if the Board does not agree with the settlement then she will be terminated.

Ms. Weeks announced the Board was back in regular session.

16-J-005 Motion to Approve the Settlement Agreement

Ms. Weeks made a motion for the Board to accept the terms of the settlement agreement of today's grievance and the employee be rehired in the position talked about in the settlement agreement and not terminated. Ms. Pack seconded the motion. The motion passed unanimously.

Ms. Farris stated that her office had given Dr. Dickinson and staff employment related training on how to do write-ups and how to take disciplinary action so that all requirements are complied with. She said they are ready and willing to do anything else they could do to help in that area.

Ms. Farris said the next step was for Dr. Dickinson to sign the settlement agreement and give it to her. She said she would then send it to Larry Wolters, head of DFA and ask for his approval. Ms. Pack asked if they had ever not approved one. Ms. Farris said not to her knowledge. She said she would call him and let him know it was coming and that a quick turnaround was needed. She said a quick resolution would be helpful. She told Dr. Dickinson to make sure everything was in place for the employee to come back to work. Dr. Dickinson asked if they could talk about a start date. Ms. Farris said yes. Dr. Dickinson said she would like for the start date to be next Wednesday if possible. Ms. Farris said hopefully she would get a quick turnaround on the settlement agreement. Ms. Pack said she can't come back until you get the settlement agreement back from DFA. Ms. Farris said correct – only then is it final. Ms. Farris said to feel free to call her with any questions. Dr. Dickinson said if Wednesday doesn't work let her know and they will work out another day. She said she wanted to make sure she was on campus.

Ms. Weeks thanked Sara for all her hard work.

Ms. Weeks adjourned the meeting at 8:58 am.

Mary Weeks, Chair

Faith McLaughlin, Secretary