

# **BOARD OF COUNTY COMMISSIONERS**

## **Special Meeting**

May 2, 2013

Chairman Jack Carpenter called the special meeting of the Chautauqua County Board of Commissioners to order on Thursday, May 2, 2013 at 11:00 a.m. in the commission room of the courthouse. Commissioners Goff Searl and Danny Williams were present as was County Counselor Larry King and County Clerk Janice A. Fine. Laura Beeson, Melodi Rodriguez, Amy Goode and Lisa Hudson joined the meeting as observers.

Karen Spencer, Appraiser and Linda Chase, Appraisal employee joined the meeting to discuss a personnel matter. Documentation was presented to commissioners from both attendees and to Larry King, County Counselor.

Karen Spencer indicates the office has not functioned well for the past year. A verbal reprimand with Chase had taken place June/July 2012. A written reprimand was felt the best option at this time as the office had to become more functional. She also requested a 30 day probation period to correct this.

Linda Chase requested answers to the statements from the written reprimand and stated she was not afraid of Spencer.

1. Time off request: Chase had requested time off and stated she had to wait to the last minute for an answer and was required to fulfill an office obligation while on leave. Spencer's response was this was at oil and gas valuation time. The reception portion of Chase's job is critical when the oil and gas valuation process is in progress. Spencer stated that Lisa Hudson, Treasurer, had called on a particular issue. When Spencer was researching the request the dates from several documents did not match. Spencer requested Chase to take a look at this issue and provide the Treasurer with an answer. Dispute is: did this need to be taken care of the next day or could it have waited till Monday?
2. Commissioner Searl asked Spencer if Chase had ever not performed her job requirements and Spencer answered no. Spencer stated she is willing to assist/teach new tasks as required. There are multiple times when Chase was not able to get into the computer system. Chase did not go to her supervisor to acknowledge that she was unable to get into the system. Chase stated she continues to identify computer system errors. Discussion on difficulties Chase continues to have with Orion. There was a discussion on not wanting inappropriate information to be sent out of the office. The problem remains that when Spencer tries to help or direct Chase she responds in an agitated and provoked manner.

3. Review of material from Spencer's desk was brought up. Chase stated she did not specifically go to Spencer's desk to view all employee pay notices/pay stubs. There are still issues regarding why others in the office make the hourly wage they do. Bits and pieces of conversation regarding the lack of a raise. Spencer stated there was no further education opportunities for Chase therefore a raise would probably not be in the future.
4. A former employee incident was mentioned by Chase. Chase believes she is being harassed by Spencer as other employees have been in the past. Bullying was a term used.
5. Chase identified that she doesn't have an issue working with Jeremy Hendren, Deputy Appraiser. Chase stated she doesn't care that Hendren is the deputy. Chase is agitated that Spencer continues to throw it in her face.
6. Spencer indicated that queries had not been performed correctly by Chase. When Hendren is in the office Chase passes that information to him to capture. The entire office is dysfunctional and something has to change. Chase states the environment issues are because all of this is directed at her.
7. Chase asked what is unprofessional about her behavior in the office. Commissioner Searl interjected that the professionalism between commissioners is always present. They don't always agree. There is a lack of professionalism between Spencer and Chase. Chase understands but believes she is being targeted. Commissioner Searl offered a story from his campaign to bring light to using things to your advantage.
8. Communication issues: Chase indicates she isn't aware of scheduled meetings for appraisal hearings. She believes this is another attempt to leave her out of the loop. Spencer agrees that there are times when she fails to provide all information to Chase. Spencer also knows that Chase is not sharing office information as well. Case in point is when Chase provided a tax grievance form that Chase says Hendren failed to provide to a taxpayer. A tax hearing form was necessary and the appeal steps are printed on the back of the form. Chase stated she provided what the tax payer told her he needed. Spencer stated that a tax grievance is not filed for appealing a tax hearing. Chase indicates that the tax payer has attempted to contact Hendren to receive the appropriate documentation. Spencer stated that all could have been corrected if Chase had let Spencer know that a tax payer had been coming into the office to acquire documentation.
9. Medical appointments: Chase attends medical appointments with her husband. Chase indicated when scheduling medical appointments for her mother she has to work the mornings and schedule appointments in the afternoons only if she plans to attend. Spencer indicated Chase takes quite a bit of time off, vacation or sick leave, to take her mother to a doctor's appointment. Abuse usage of leave is a problem overall per Commissioner Searl. There are tasks that Spencer needs all staff in the office to perform. Chase remarked that there is an issue in their office with smoke breaks.

Chase had a record of smoke breaks times of office staff, Spencer and Dee Wade. Spencer indicated that Wade and Spencer also discuss business during smoke breaks. Chairman Jack Carpenter advised that the county has not identified breaks as part of any employees work day. Chairman Carpenter stated there was a lot of discussion regarding breaks and the lack of breaks in years past.

10. Chase believes she is working in a very hostile environment.
11. Spencer indicates that today is a prime example of the issues within the office. This office cannot continue to function under these circumstances.
12. Larry King, County Counselor, advised commissioners that their responsibility in this hearing is to determine if it is appropriate for Chase to be disciplined per the information provided. Melodi Rodriguez offered information from her part time job in the Appraisers Office regarding Spencer bringing up issues from voting to religious beliefs. Rodriguez stated she has overheard Spencer yelling at Chase. Rodriguez indicates Spencer can be very condescending. Rodriguez indicated Spencer would not be who she would go to for discussion of an in-office issue. Rodriguez stated that Spencer is unprofessional in the office. Amy Goode indicated she heard on several occasions when she worked in the Extension office Spencer yelling at employees. Spencer readily admits she is difficult to work for.
13. Chairman Carpenter stated: According to the employee handbook the commissioners have five (5) days to make a decision if they choose to do so. The appeal process is available to both Spencer and Chase once the decision has been made public.
14. Chairman Carpenter began to ask Chase about the hostile work environment part of this issue and Chase interrupted him and stated she has thought about hiring an attorney. Chairman Carpenter indicates that harassment is not acceptable at all and respect should be offered to each individual. Spencer indicated some workable solution must be made. Chase stated that if unemployment would not be denied she would quit today. Chase is stressed to the limit. Her health insurance remains an issue. Chase has worked for Chautauqua County for the past seven years. Commissioner Williams asked if both parties would work on these issues could the environment improve. Commissioner Searl asked if they wanted to try. Chase believes her stress level cannot continue. Her health is in question.
15. Goode indicated that several tax payers have commented to her that they would not speak with Karen regarding appraisals.
16. Spencer indicates that her strong personality is partly due to the line of work she is in. Spencer works hard that all information that comes out of her office is correct. She must identify who brings the best set of skills to certain job requirements. Spencer admits she does come across strong.

17. Chase wants to know if she resigns today will she be able to gain her unemployment. Commissioner Searl stated for the record that he doesn't approve unemployment requests.
18. Goode indicated there is always one individual within that office who is verbally abused. Spencer indicates she wants a better relationship with Chase. That's all she needs. Commissioner Searl asked if all the information being brought forward will help reduce the stress between both parties.
19. Chairman Carpenter asked of Linda – Do you think. Chase interrupted and stated she doesn't feel anything will change. Commissioner Searl asked for clarification: Chase responded that things are not going to change between Chase and Spencer. Chase doesn't understand how communication was breaking down. Spencer again explained the issue regarding a tax payer and the inappropriate document being provided.
20. All attendees were asked to leave so commissioners could discuss the issues among themselves and with the county counselor.

Commissioners asked for council's advice and should they go into executive session. King advised commissioners that an executive session regarding non-elected personnel is only called to protect the employee. King also stated that the State doesn't mandate an executive session for any reason. King did not see the benefit of an executive session since the entire hearing was in an open meeting so protection to the employee would be mute. The Attorney/Client privilege won't stand for this issue.

King stated that Spencer was not on trial here. This employee made the situation factual by demonstrated behavior. This employee appeared to be insubordinate.

Commission is regretful that Chase doesn't believe that this situation can be rectified. Chase indicated that she would resign today if unemployment was guaranteed.

Unemployment synopsis was provided by Crystal Wade, Human Resources Manager.

Commission discussed making a decision today or to wait for five days.

Before any decision could be made, Chase provided the commission with her letter of resignation at 12:32 p.m. effective May 2, 2013.

Commissioners discussed acceptance of the resignation letter and if they should send Chase a letter of acceptance or make a motion to accept the resignation. King advised the commission that no further action was appropriate for them but to adjourn the meeting.

Danny Williams made a motion to adjourn the meeting at 12:38 p.m. Goff Searl seconded the motion. Motion carried 3-0.

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Goff Searl, First District Commissioner

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Danny D. Williams, Second District Commissioner

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Jack Carpenter, Chairman, Third District Commissioner

ATTEST:

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Janice A. Fine, County Clerk