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**HUMAN RESOURCES COMMITTEE
SPECIAL MEETING MINUTES
May 4, 2022, 5:30 p.m.**

Committee Members Present:

Maxine Thome, Tim Hanna, Alan Platt, and Dale Copedge (arrived at 5:39 p.m.)

Committee Members Excused:

Ken Mitchell and Adam Matson

Board Members Present (non-committee members):

None.

Staff Present:

Sharon Blizzard, Sara Lurie, Brian Filipiak, Jessica Tyrer, Jana Baylis, KC Brown, Kinnith Gibbs, Raquel Sparkman, and Morgan McKittrick (via Zoom)

Public Present:

Clifford Hammond
Aaron Sanders, Local 512

Call To Order:

The meeting was called to order at 5:27 p.m., by Maxine Thome.

Previous Meeting Minutes:

MOVED by Tim Hanna and SUPPORTED by Alan Platt to approve the meeting minutes of March 2, 2022.

MOTION PASSED unanimously.

Adoption of Agenda:

MOVED by Tim Hanna and SUPPORTED by Alan Platt to approve the meeting agenda.

MOTION PASSED unanimously.

Public Comment on Agenda Items:

None.

BUSINESS ITEMS

OPEIU Local 512 Step 3 Grievance – Discharge & Discipline

Sharon greeted the committee and then welcomed the union and CMHA-CEI staff to the table. The Grievance Hearing Format was distributed and reviewed. Sharon Blizzard noted the format has been agreed to by Management and OPEIU, Local 512. Sharon shared that Aaron Sanders, OPEIU Local 512 Union Representative, has chosen to not have a written position statement but instead a verbal statement. Sharon informed everyone that management has a written position statement and distributed the document out for review.

The Exhibit Packet was distributed and Sharon explained that Human Resources always provides these documents and she went over the format of the packet. Sharon informed the committee that the grievant does not need to be present for such meetings and that the grievant, Quenton Lerma, is not present today.

Sharon introduced KC Brown, director of ITRS, and asked her to introduce her program. KC shared what the House of Commons (HOC) is and the services that the department provides. Ms. Brown also went over the different positions within the HOC and then passed out a pamphlet that details the HOC program.

Brian outlined the policies, procedures, employments standards and guidelines pertinent to this investigation. Brian then provided an overview of each of the staff involved.

Brian reported that On December 30, 2021 KC Brown contacted the CEO and Human Resources and reported that employees Josh Corts and Tyler Robert on December 29, 2021 around 12:45p witnessed Mr. Lerma bring a firearm into the House of Commons (HOC) building and that he brandished the firearm.

Brian reported the following sequence of events: Prior to this incident, over the

Christmas Holiday Season Mr. Lerma had brought in toy Nerf Guns for the male staff to play with as a means to release some stress and have some fun.

On the early afternoon of December 29, 2021 Mr. Lerma who was scheduled off on a vacation, came to the HOC with his minor child to pick up his laptop computer. While his minor child played with a cat within the unit; Mr. Lerma moved about the unit and interacted with staff.

Mr. Lerma interacted with Josh and Tyler, who were working, in their office (they share an office) and inquired if they had been playing with the nerf guns he had brought in, they told Mr. Lerma no. As Mr. Lerma was leaving their office, Josh shot Mr. Lerma with a nerf gun in the midsection of his body. Mr. Lerma turned around and quickly re-entered the office and shut the door. Upon entering the office Mr. Lerma in an excited tone stated oh really, lifted his shirt, exposed a black handgun and pulled the firearm from his waistband of his pants. Mr. Lerma then pointed the firearm at the midsection of Josh, waving the firearm from side to side. Josh in shock said to Mr. Lerma are you going to shoot me? Mr. Lerma responded with no, I am not going to shoot you, but I might hit you or pistol whip you. Mr. Lerma then put the firearm back into his waistline and exited the office. Josh and Tyler exited the office as well into the main hallway. In the hallway outside of the office, Mr. Lerma then hugged Josh and told him he was just playing.

Video review of the main hallway of the HOC captured Mr. Lerma going into Josh and Tyler's office, coming out, and then a nerf dart striking Mr. Lerma in midsection and Mr. Lerma quickly going back into the office. It then captures Mr. Lerma, Josh, and Tyler exiting the office and Mr. Lerma hugging Josh.

Josh and Tyler were in shock and disbelief at this point, trying to comprehend what their supervisor had just done.

Josh and Tyler then left the HOC for a job assignment utilizing a CMHA-CEI Van. During the drive Mr. Lerma separately called both Josh and Tyler on their cellular phones, was apologetic to both of them over what had just occurred and stated the handgun was not even loaded. Mr. Lerma stated if they were to report the incident, to let him know first so he could resign and not face any legal actions. Mr. Lerma stated if they didn't report the incident he would be forever indebted to them. Mr. Lerma later that evening texted Josh and stated "sick with it man, peace and love."

Josh and Tyler continued to process the incident overnight, overwhelmed with how dangerous and serious this incident was. The next morning Josh and Tyler read the Workplace Violence Prevention Procedure and immediately reported the incident to KC.

Mr. Lerma during his investigative interview stated Josh shot him in the face with the Nerf Gun dart, video review clearly shows the nerf dart hits Mr. Lerma in the back/side area of his mid-section and the dart falls to the ground.

Mr. Lerma reported that he did carry a handgun with him for protection. He carries his handgun in a holster in his waistband. On the date of the incident, prior to entering the HOC he stated he took his handgun out of the holster and locked it in his vehicle. He left the holster in his waistband. After he was shot with the nerf dart he stated he did pull up his shirt and showed Josh and Tyler his holster. Mr. Lerma was asked why he showed them the holster and he stated no purpose, not intent, not to intimidate, just some horseplay.

Prior to interviewing Mr. Lerma, both Josh and Tyler stated they were 100% certain it was handgun that Mr. Lerma had in his waistband. Both described the handgun as being black with green sights.

Brian reported that all interviews were conducted individually. The investigation determined the two witnesses, Josh and Tyler, to be credible, competent, and without personal biases. Their initial reporting of the incident, their initial interview statements and follow-up interview made to the investigators collaborated their recollection of the events and were deemed to be factual, forthcoming, and supported. The investigation determined Mr. Lerma's statement to the investigators was driven by intentional deception surrounding the possession of a firearm, brandishing a firearm, and assaulting Josh with the firearm.

CMHA-CEI Regulation of Deadly Weapons and Devices Procedure establishes a clear standard that all weapons, including firearms, are prohibited on CMHA-CEI Property. The core value of CMHA-CEI Workplace Violence Prevention Procedure is to provide a work environment free of harassment, direct or implied threats, acts of intimidation and acts of violence with a zero tolerance for workplace violence.

The Employee Handbook in two sections, Workplace Violence and Employment

Standards, establishing a clear regulation that no employee may bring a weapon onto CMHA-CEI Property under any circumstances. In addition, these two sections establish a zero tolerance standard for any act, deed, threat, communication or insinuation to commit harm to an individual or destruction of agency or personal property will constitute a violent act.

CMHA-CEI Ethics Standards sets a clear expectation of conduct by employees. Mr. Lerma by providing false and misleading statements has eroded the employee-employer trust relationship. This breakdown of integrity is beyond repair.

Brian concluded that the Employer does recognize termination is life changing. Mr. Lerma's decisions and actions are of such an egregious nature that there was just cause for termination. Management requests the HR Committee move to deny the grievance which will uphold Management's termination of Mr. Lerma.

Aaron Sanders addressed the committee and stated that the OPEIU Local 512 does not condone workplace violence. Mr. Sanders stated that the problem with Mr. Lerma's case is that it is a he said she said case. He continued reporting that Mr. Lerma freely admitted to having his gun locked in his vehicle at the worksite and Mr. Sanders indicated that this fact is a violation of policy and appropriate discipline should be sought out. During the interview with Mr. Lerma, Aaron described that Mr. Lerma believed having his gun in his vehicle was permitted, as the signage at the entrance of the HOC states "no gun past this point" and Mr. Sanders stated that this is no excuse as policy should be known by the employee and that Mr. Lerma understands that he has some culpability.

Aaron shared that he would have liked to interview the two employees who reported the incident as there are many things that he does not understand from the report. Mr. Sanders explained that no matter the person or authority they hold, if someone were to threaten him with a gun and state that they were to pistol whip him he would immediately report that and even take further action by calling the police. He continued to argue that the employees affected would not have waited to report the incident or continue with their normal activities if they felt as though their safety was compromised, and therefore leading Mr. Sanders to question their credibility. This led Mr. Sanders to reference the video, which only shows the employees shooting Mr. Lerma with the nerf gun and nothing of him brandishing a weapon. Mr. Sanders reiterated the questionable reaction to the alleged incident by the reporting employees as one went for a run before even reporting anything to their supervisor. He proposed the possibility of collusion by the affected employees as they may have been concerned that they would face discipline

for the nerf gun incident. Mr. Sanders shared that in his interview with Mr. Lerma, he asked if Quenton had shown the two employees his empty gun holster in which Mr. Lerma indicated he did.

Aaron indicated that he cannot speak to the state of mind of the two employees, however the absence of video evidence and the lack of immediate reporting from the employees after the incident, cause him to question the credibility of the report. Mr. Sanders indicated that Mr. Lerma did not have a gun on him or point it at anyone and if he had, those employees would have reported the incident immediately and taken further action to ensure their own safety as well as the consumers. In conclusion, Mr. Sanders stated that Mr. Lerma was in the wrong and should receive the appropriate discipline for his poor judgment but does not deserve termination.

Sharon stated that this incident happened in December and Mr. Lerma's interview was not until late January, assuring the Committee that there was no delay, however there were some extenuating circumstances that influenced that timeline. Sharon explained that the investigation completed by the employer was comprehensive, thorough, factual, and unbiased. Prior to this incident both staff believed they had good working relationships with Mr. Lerma. They had no reason to fabricate the incident. Sharon took time to note that a supervisor has power, authority, influence, sets schedules and can make life on the job miserable if they so choose. Mr. Lerma brought in the toy nerf guns for staff to use to de-stress. Sharon highlighted that the two affected employees are the victims in this incident not Mr. Lerma. The union was present for Mr. Lerma's interview and received a copy of the discipline document which outline all rule, policies procedures standards and practices that were violated. No request was made from the union for the witness' names or the summary of the interview. If the union had made a request, HR would have provided all documentation. Sharon explained that it is the expectation that any incidents be reported right away and that this particular one occurred in the afternoon of December 29th and KC Brown was notified the next morning.

Sharon stated one finding of the investigation was that Mr. Lerma was calling and texting the employees, while he is on vacation, apologizing for bringing a gun on to the property and asking them to not report him. She then speaks to the mindset of the employees who are affected saying that they were put in a complicated situation with someone who is not only a supervisor, but someone who they think of as a friend, which was an inappropriate boundary set by the manager. Trust was broken and boundaries were crossed. Sharon also stated that even if there was no gun, brandishing a holster was a

threat and scary to the employees involved. There were also additional staff and clients onsite that could have been impacted as well. Sharon maintained that there was just cause for the discharge and termination of Mr. Lerma.

KC Brown spoke to the state of mind of the employees who made the report and indicated that the two called her together and were clearly upset before even telling her any details of the incident. She shared that they articulated the difficulty they faced in how to report such an incident as they were concerned for Mr. Lerma and for the well-being of his family. Ms. Brown confirmed that the employees reported exactly what Brian had stated previously. She also checked in on them recently and shared that they have no ill-intentions for Mr. Lerma and wish that this did not have to happen.

In conclusion, Sharon confirmed that the witnesses did not speak to anyone, including each other, about the incident and that there was no collusion. She reiterated that these actions were egregious and they were a blatant disregard for others and for CMHA-CEI policies and procedures. Sharon asked the Committee to uphold the termination of Mr. Lerma and deny the grievance.

Mr. Sanders confirmed that he did not ask for witness names but did so based on past grievances where his requests were denied. He stated that Mr. Lerma contacted his staff all the time and that it was routine for him. Mr. Sanders said that Sharon shared that there were clients in the building and that would be even more reason to call the police. He also emphasized that the two witnesses had hours to sit and talk about this incident and the fact that they answered the calls or texts from Mr. Lerma. He stated that it would not make sense for them to answer the phone calls from someone who just supposedly threatened them with a gun or feel sorry or worried about the family of this person. Mr. Sanders finished by stating that there is enough doubt to show that Mr. Lerma did not fail to comply with policy and procedure.

Committee deliberations ensued.

Dale Copedge questioned how long Quenton Lerma worked with the two employees. KC responded that both were hired by Quenton and Mr. Filipiak indicated that Josh (Recovery Coach) has been employed for 2 years and Tyler (Client Service Specialist) for 3.5 years. She added that Mr. Lerma has been employed by CMHA-CEI since 2018.

Maxine Thome posed a question to management about what the policy around bringing toys, like nerf guns, to work is or would be. Sharon stated it is in the handbook as

horseplay and Brian shared that it is covered in employment standards and workplace violence. Ms. Thome followed up with why there was nothing done about the nerf guns if they were in the workplace prior to the incident. Sharon and Brian explained that they did not use them before the day of the incident and KC reported that they were a holiday gift. She also shared that she confiscated the nerf guns and that some were still in packaging and the others were taken home by staff. Lastly, Ms. Thome inquired about the options other than termination for discipline. Sharon replied that those options are verbal warning, written warning, demotion or transfer but that as the employer that there was just cause for termination.

Tim Hanna requested more information about the fact being shared that no one else knew about the incident. Sharon clarified that after the interviews, the two employees were informed to maintain confidentiality. Mr. Hanna followed up if they spoke with anyone prior to the interview. Sharon shared the state of mind of the employees after the incident in the afternoon and that they were conflicted and in shock. Brian interjected that both employees had a restless and sleepless night and struggled with the incident and then reported that next morning.

Dale Copedge asked if Mr. Lerma has taken any action on the nerf gun incident, as in writing the employees up for shooting him with the toy, while the employees were pondering the situation. Sharon responded that Mr. Lerma did not initially address the nerf guns or report anything to his supervisor. KC followed up that she never got the sense that Josh and Tyler were worried about what trouble they may be in for the nerf guns as their supervisor had been encouraging them to use the toys.

Tim inquired if any laws were broken by the gun being on the property or if calling the police would be warranted. Sharon stated that legal was contacted and both employees were within their rights to contact the authorities.

ACTION:

MOVED by Dale Copedge and SUPPORTED by Tim Hanna to uphold Management's decision to terminate the employment of Quenton Lerma effective on February 8, 2022.

MOTION PASSED unanimously.

Ms. Thome inquired how long arbitration would take and Aaron explained the process and that it would take 30-45 days to get the arbitrator and up to 8 months for the process in full.

Mr. Copedge asked if there is anything set in place to make sure this does not happen again and stated that if there is not, then something needs to be put in place. Sharon said that CMHA-CEI do have policies and procedures in place but that this situation has shown a real gap within those. Kinnith shared that there are some new processes and tools being set up due to this incident. Dale asked if anything is signed by staff to note they know the procedures and Brian confirmed there is. However, Brian noted that there is not anything for an unloaded guns or something that resembles a weapon to which Tim replied that a nerf gun is a perfect example of. Ms. Thome queried if the holster itself would be a deadly weapon and Brian responded that it may not be a deadly weapon but it would be considered a threat.

Unfinished Business

None.

New Business

Set Meeting Dates and Times

Sharon Blizzard reported that historically the HR Committee meets quarterly on the 1st Wednesday of the month at 5:30 pm.

ACTION:

MOVED by Dale Copedge and SUPPORTED by Tim Hanna that the Human Resources Committee meet quarterly on the 1st Wednesday of the month at 5:30 p.m.

MOTION PASSED unanimously.

Elect Vice Chair

ACTION:

MOVED by Dale Copedge and SUPPORTED by Alan Platt that the Human Resources Committee accept the nomination of Tim Hanna as the Vice Chair for the HR Committee for FY21 – 22.

MOTION PASSED unanimously.

Public Comment

None.

Adjournment

The meeting was adjourned at 6:55 p.m. The next regular quarterly meeting of the Human Resources Committee is scheduled for Wednesday, June 1, 2022 at 5:30 p.m.

Minutes respectfully submitted by:

Jessica Tyrer

Human Resources Administrative Assistant