



CIVIL SERVICE COMMISSION

City of Tucson

Minutes

Jonathan Schlecht
Appeal of Termination Hearing
Environmental and General Services Department
October 3, & 4, 2023

October 3, 2023 – Day One

A quorum of the Civil Service Commission (CSC) of the City of Tucson met at 9:00 AM on Tuesday, October 3, 2023, at City Hall, 255 W. Alameda in Tucson, Arizona, for the Appeal of Termination filed by Jonathan Schlecht from the City of Tucson's Environmental and General Services Department (EGSD). The hearing was made accessible remotely through technological means as permitted under Arizona law as well as in person.

Those present from the Civil Service Commission were Vice Chairperson Rebecca (Becky) Montañó, Commission Members Michael (Mick) Mathieu, and Eduardo (Eddie) Rios. The staff present were Donna Aversa, Legal Counsel, Elsa Quijada, HR Deputy Director, CSC Designated Secretary, Ryan Saxby, HR Administrator, and Reina Gallego, Administrative Assistant for Human Resources, Recording Secretary.

Also present were Shannon Giles, Attorney, representing Appellant Jonathan Schlecht; Jennifer Stash, Principal Assistant City Attorney representing the City and Environmental and General Services Department, and Carlos De La Torre, EGSD Director.

This appeal was held in Open Session; however, the rule was invoked. Invoking the rule is a civil procedure that allows a party to request that a witness be prevented from hearing the testimony of other witnesses in the hearing.

The following witnesses were sworn during the hearing:

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|-----------------------|----------------------|
| 1. Michael Corral | 7. Daniel Manuele |
| 2. Robert Urbina | 8. Ben Lucero |
| 3. Luis Luna | 9. Jonathan Schlecht |
| 4. Susana Castillo | |
| 5. Pat Tapia | |
| 6. Carlos De La Torre | |

City's Exhibits Admitted

Exhibit A Tabs 1 – 6

- Tab 1 – Personnel Action Request Form
- Tab 2 – Notice of Decision (Appealable Action)
- Tab 3 – Employee's Right to Civil Service Appeal
- Tab 4 – Notice of Intent to Discharge
- Tab 5 – Notice of Intent to Discharge - Exhibit A



Tab 6 – Jonathan Schlecht Appeal Letter

Exhibit B Tabs 1 – 7

- Tab 1 – Department Personnel File
- Tab 2 – HR Personnel File
- Tab 3 – Definition of *Just Cause*, Tucson City Code §10-3
- Tab 4 – Administrative Directive 2.02-5 Rules of Conduct
- Tab 5 – Administrative Directive 6.01-01 – Responsibilities Regarding Utilization of City Vehicles
- Tab 6 – Administrative Directive 2.02-16-Disciplinary Review Process
- Tab 7 – Photos – Accident on Benson Highway (April 26, 2023)

Exhibit C Tabs 1 – 5

- Tab 1 – Accident Footage from COT Vehicle – 04/26/2023
- Tab 2 – Accident Footage from Tow Truck – 04/26/2023
- Tab 3 – Footage of COT Vehicle and Recycling Receptacle – 11/23/2022
- Tab 4 – Audio Call from Customer Complaint – 02/15/2023
- Tab 5 – Audio Call from Customer Complaint – 04/20/2015

Appellant’s Exhibits Admitted

Exhibits 1 -20

- Exhibit 1 – Administrative Directive 2.02-16
- Exhibit 2 – Agreement between the City of Tucson and Tucson Municipal Employees Division of Local 449 AFSCME
- Exhibit 3 – Schlecht email with Suzette Yaezenko re Appeal
- Exhibit 4 – Tucson City Court Civil Traffic Judgment of “not responsible” dated September 22, 2022
- Exhibit 5 – Tucson City Court Civil Traffic Judgment of Dismissal dated July 18, 2023, with Ticket.
- Exhibit 6 – 39 Month Uncertified MVR of Jonathan Schlecht as of 7-31-2023
- Exhibit 7 – Grievance Form 4-17-2023
- Exhibit 8 – Grievance Form 5-1-2023
- Exhibit 9 – Serving Suspension NOI 5-4-2023
- Exhibit 10 – Notice of Decision 6-1-2023 and follow-up documents
- Exhibit 11 – 4-26-2023 Incident
- Exhibit 12 – Corral Investigation Review 5-3-2023
- Exhibit 13 – Urbina Investigation Report
- Exhibit 14 – January 2020 Performance Evaluation
- Exhibit 15 – January 2019 Performance Evaluation
- Exhibit 16 – July 6, 2022 Investigation and Ticket



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- Exhibit 17 – June 11, 2022 Wires
 - Exhibit 18 – June 20, 2022 Letter re meeting with City Manager
 - Exhibit 19 – Termination Papers
 - Exhibit 20 – Emails for Document Requests

9:37 AM – 9:44 AM City's Opening Statement

Appellant deferred Opening Statement

The City called the first witness, Valentin Michael Corral, Environmental Services Supervisor

9:45 AM – 11:11 AM Mr. Corral gave testimony.

11:11 AM – 11:48 AM Mr. Corral gave testimony on cross-examination.

11:48 AM – 11:56 AM Mr. Corral gave testimony on redirect. The Commission asked clarifying questions and the witness was excused.

11:57 AM – 1:04 PM Lunch Break

The City called the second witness, Robert Urbina, Environmental Services Supervisor

1:04 PM – 1:48 PM Mr. Urbina gave testimony.

1:48 PM – 2:07 PM Mr. Urbina gave testimony on cross-examination.

2:07 PM – 2:16 PM Mr. Urbina gave testimony on redirect. The witness was excused.

2:17 PM – 2:23 PM Break

The City called the third witness, Luis Luna, Environmental Services Superintendent

2:23 PM – 3:09 PM Mr. Luna gave testimony.

3:09 PM – 3:29 PM Mr. Luna gave testimony on cross-examination.

3:29 PM – 3:37 PM Mr. Luna gave testimony on redirection. The Commission asked clarifying questions and the witness was excused.

3:37 PM – 3:47 PM Break

The City called the fourth witness, Susana Castillo, Human Resources Manager

3:47 PM – 4:12 PM Ms. Castillo gave testimony.

4:12 PM – 4:42 PM Ms. Castillo gave testimony on cross-examination.



4:42 PM – 4:48 PM Ms. Castillo gave testimony on redirect. The Commission asked clarifying questions.

4:52 PM Vice Chair Montaña asked that Ms. Castillo be available tomorrow for any additional questions from the Commission. The Hearing adjourned for the day to reconvene at 9:00 AM, Wednesday, October 4, 2023, for day two.

October 4, 2023 – Day Two

A quorum of the Civil Service Commission of the City of Tucson met at 9:01 AM on Wednesday, October 4, 2023, at City Hall, 255 W. Alameda in Tucson, Arizona, for day two of the Appeal of Termination filed by Jonathan Schlecht from the City of Tucson’s Environmental and General Services Department. The hearing was made accessible remotely through technological means as permitted under Arizona law.

Present were Chairperson Paul Fimbres, Commission Members Rebecca (Becky) Montaña, and Eduardo (Eddie) Rios. Staff present: Donna Aversa, Legal Counsel; Elsa Quijada, HR Deputy Director, CSC Secretary; Ryan Saxby, HR Administrator and Reina Gallego, Administrative Assistant for Human Resources, Recording Secretary.

Also present were Shannon Giles, Attorney, representing Appellant Jonathan Schlecht; Jennifer Stash, Principal Assistant City Attorney representing the City and Environmental and General Services Department, and Carlos De La Torre, EGSD Director.

9:02 AM– 9:10 AM Ms. Castillo present and answered clarifying questions from the Commission. The witness was excused.

The City called the fifth witness, Pat Tapia, Deputy Director of Environmental Services

9:11 AM – 9:53 AM Mr. Tapia gave testimony.

9:53 AM – 10:02 AM Mr. Tapia gave testimony on cross-examination.

10:02 AM – 10:12 AM Mr. Tapia gave testimony on redirect. The Commission asked clarifying questions and the witness was excused.

10:12 AM– 10:19 AM Break

The City called the sixth witness, Carlos De La Torre, Director of Environmental Services.

10:19 AM – 11:17 AM Mr. De La Torre gave testimony on direct examination.



11:17 AM– 12:02 PM Lunch Break

12:02 PM – 12:14 PM Mr. De La Torre gave testimony on cross-examination.
12:14 PM – 12:30 PM Mr. De La Torre gave testimony on redirect. The witness was then excused.

The City rests its case.

The Appellant waived the opening statement.

12:30 PM – 12:36 PM Break

The Appellant called the first witness, Daniel Manuele.

12:36 PM – 12:44 PM Mr. Manuele gave testimony on direct examination.
12:44 PM – 12:50 PM Mr. Manuele gave testimony on cross-examination.
12:50 PM– 12:51 PM Mr. Manuele gave testimony on redirect. The witness was then excused.

12:51 PM – 12:55 PM Break

The Appellant called the second witness, Ben Lucero.

12:55 PM– 1:19 PM Mr. Lucero gave testimony on direct examination.
1:19 PM– 1:25 PM Mr. Lucero gave testimony on cross-examination. The witness is excused.

1:26 PM– 1:32 PM Break

The Appellant called the third witness, Jonathan Schlecht.

1:32 PM– 2:56 PM Mr. Schlecht gave testimony on direct examination.

2:56 PM– 3:01 PM Break

3:01 PM– 3:21 PM Mr. Schlecht gave testimony on cross-examination.
3:21 PM– 3:31 PM Mr. Schlecht gave testimony on redirect. The Commission asked clarifying questions and the witness was excused.



The Appellant rested its response.

3:31 PM – 3:37 PM The City made its Closing Statement.

3:37 PM – 3:41 PM The Appellant made their Closing Statement.

3:41 PM – 3:44 PM The City made a Rebuttal Statement.

3:44 PM – 4:05 PM Civil Service Commission deliberations.

In open session, based on the testimony presented and the exhibits admitted into evidence, a motion by Commissioner Mathieu, duly seconded, to deny the appeal of Jonathan Schlecht and affirm disciplinary action. The Commission found that the Appellant knew or should have known that his conduct could lead to disciplinary action. The appeal of Jonathan Schlecht was denied, and disciplinary action imposed upon him be affirmed for the reason that there was just cause for the discipline imposed. The vote was 3-0.

The Hearing adjourned at 4:20 PM.

Rebecca Montaño, Vice Chairperson
Civil Service Commission

10/30/23
Date