



CIVIL SERVICE COMMISSION

City of Tucson

Minutes

Keith Jacobs
Appeal of Termination Hearing
Tucson Water Department
June 17, 2024

A quorum of the Civil Service Commission (CSC) of the City of Tucson met at 9:00 AM on Monday, June 17, 2024, at the Tucson Fire Department, 300 W. Fire Central Place in Tucson, Arizona, for the Appeal of Termination filed by Keith Jacobs with the Tucson Water Department. 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 Chairperson Paul Fimbres, Commissioner Carol West and Commissioner Michael Mathieu. The staff present were Elsa Quijada, HR Deputy Director, CSC Designated Secretary, Ryan Saxby, HR Deputy Director, and Reina Gallego, Administrative Assistant for Human Resources & Recording Secretary.

Also present were Donna Aversa, Legal Counsel for the Commission, Appellant Keith Jacobs and Jennifer Stash, Principal Assistant City Attorney representing the City and the Tucson Water Department.

Note: The Appellant is representing himself for this hearing.

This appeal was held in Open Session; and the rule was not invoked. *Note: 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 in as a group at the start of the hearing, per the Chairperson's request:

1. Reyna Woods
2. Ashley Tellez
3. Lynette Kaplan
4. Silvia Amparano

City's Exhibits Admitted

Exhibit A Tabs 1 – 5

- Tab 1 – Notice of Decision (Appealable Action) (COT00038-COT00039)
- Tab 2 – Employee's Right to Civil Service Appeal (COT00040)
- Tab 3 – Notice of Intent to Discharge (COT00001-COT00002)
- Tab 4 – Exhibit A (COT00003-COT00008)
- Tab 5 – Keith Jacobs Appeal Letter (COT00041)



Exhibit B Tabs 1 – 10

- Tab 1 – Department Personnel File (COT00001-COT00198)
- Tab 2 – HR Personnel File (COT00199-COT00261)
- Tab 3 – Definition of Just Cause, Tucson City Code §10-3 (COT00262)
- Tab 4 – Administrative Directive 2.02-5, Rules of Conduct (COT00263-COT266)
- Tab 5 – Administrative Directive 6.01-1, Responsibilities Regarding Utilization of City Vehicles (COT00267-COT00273)
- Tab 6 – Administrative Directive 6.01-6. Driver’s License Policy (COT00274-COT00285)
- Tab 7 – Risk Management Occupational Safety and Health Manual – Driver Qualification and Authorization (COT00286-COT00290)
- Tab 8 – Sheriff’s Incident Report (DUI) – 12/30/2023 (COT00291-COT302)
- Tab 9 – Tucson Police Department Report (Speeding and Driving on a Suspended License) – 03/04/2024 (COT00303-COT00307)
- Tab 10 - Arizona Revised Statute §28-1385 and AZLEGIS 101 (2024) (COT00308-COT00325)

Appellant’s Exhibits Admitted

Exhibits 1 -6

- Exhibit 1 – Pima County Dismissal Notice
- Exhibit 2 – Proof of Current Driver’s License
- Exhibit 3 – Text Messages between Supervisor & Mr. Jacobs
- Exhibit 4 – Call Log
- Exhibit 5 – E-mail on the time out there
- Exhibit 6 – No Caller ID

- 9:00 AM – 9:09 AM The hearing was called to order and roll call was taken. Chairperson Fimbres read the Opening Statement. The Rule was not invoked.
- 9:09 AM – 9:13 AM Elsa Quijada read the exhibits into the record with no objections. Ms. Stash requested that the copy of Mr. Jacobs driver’s license be returned after the hearing (for redaction of the driver’s license number)
- 9:13 AM – 9:17 AM The City made their Opening Statement.
- 9:17 AM The Appellant waived his Opening Statement.
- 9:18 AM Ms. Aversa swore in all witnesses and the appellant.



The City called its first witness, Reyna Woods, Water Administrator, Tucson Water

9:18 AM – 9:42 AM Ms. Woods gave testimony on direct examination.
9:42 AM – 9:46 AM Ms. Woods gave testimony on cross examination. The
Commission asked clarifying questions.
9:48 AM Witness excused.

The City called their second witness, Ashley Tellez, Human Resources Manager

9:48 AM - 10:04 AM Ms. Tellez gave testimony on direct examination.
10:04 AM – 10:07 AM Ms. Tellez gave testimony on cross examination. The
Commission asked clarifying questions. The witness was
excused.

10:10 AM – 10:17 AM Break

The City called its third witness, Lynette Kaplan, Human Resources Manager

10:17 AM – 10:23 AM Ms. Kaplan gave testimony on direct examination. No cross
examination. The witness was excused.

The City called its fourth witness, Deputy Director Silvia Amparano, Tucson Water Department.

10:24 AM – 10:40 AM Ms. Amparano gave testimony on direct examination.
10:40 AM – 10:42 AM Ms. Amparano gave testimony on cross examination. The
Commission asked clarifying questions. The witness was excused.

10:43 AM The City rested its case.

10:43 AM– 10:57 AM Mr. Keith Jacobs addressed the commission and gave testimony.
The Commission asked clarifying questions and Mr. Jacobs rested
his case.

10:57 AM – 11:00 AM The City made its closing statement.

11:00 AM – 11:03 AM Mr. Jacobs made his closing statement.

11:03 AM Chairman Fimbres made a motion, that was duly seconded, to enter
into Executive Session for legal advice pursuant to A.R.S. §38-
431.03(A)(3) and was passed by a voice vote of 3-0. The Board
returned to regular session at 11:23 AM, at which time Mr.
Fimbres read the executive session disclaimer.



11:23 AM – 11:30 AM Break

11:30 AM – 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 termination for Keith Jacobs, and affirm the disciplinary action. The Commission found that the Appellant knew, or should have known that his conduct could lead to disciplinary action. The appeal of Keith Jacobs 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 Chairperson directed the attorney for the Commission to work with the Chairperson to finalize the Commission's written decision.

The Hearing adjourned at 11:37 AM.

Paul Fimbres, Chairperson
Civil Service Commission

Date