
From: Julie Cloud </o=first organization/ou=first administrative group/cn=recipients/cn=jcloud>
Sent: Wednesday, June 22, 2011 8:15 AM
To: Karin Magnelli
Cc: Sharon Harrigfeld
Subject: Attorney/Client privilege - Roters
Attachments: roters problem solving may 2011.pdf

Karen, I need your counsel on a problem-solving request from Laura Roters, Facility Training Coordinator at Nampa. Here is an overview so you'll have some information when we meet. If you prefer I call Civil Litigation I can do that as well. This is a sticky one.

Laura applied for, passed the exam and interviewed for Unit Manager at Nampa. She was selected for the job and it was announced to all IDJC employees. Another applicant who didn't pass the exam (who I wish to have remain anonymous) complained to Joyce in a voicemail questioning how Laura can be hired because she doesn't have any supervisory experience which is one of the minimum qualifications that Laura passed. Joyce, Pat and I all review Laura's application and, in our opinion, she should not have passed the supervisor questions as she does not have experience or education as required.

I consulted with DHR and they (Mike Savoie) agree. Mike and I discuss action to take and agree that Laura cannot receive the UM job. I talk with Sharon and she agrees and we discuss a plan of action. She lets Betty and Dave (supervisor) know. Betty and I talk with Laura. Of course, she is upset. That same day Laura gets a BSU transcript and brings it to me to see if any of her classes would meet. We agree the don't. We discuss her supervisory background and again we both agree she does not have supervisory experience as described in the test question.

An email goes out to all staff giving the news.

Laura files a score appeal with DHR. She also files a problem solving within IDJC on 5-26. On 6/1, Betty and I meet with Laura to discuss the problem solving. The problem solving is put on hold by mutual agreement until DHR renders a decision.

DHR's decision is that the UM recruitment will be 'thrown out.' DHR will do a job analysis of Unit Manager and then they will run the next recruitment.

Now, I have to deal with Laura's problem solving request, attached. Laura is seeking resolution of "The May 12th, 2011 involuntary demotion from Program Unit Manager to Trainer Associate."

Per Idaho Code, Title 67, Chapter 53, 67-5315.1 and 2 (link below) a 'demotion' is not problem solvable and is subject to due process. However, Laura was never officially the unit manager and thus could not be demoted. Due process was never exercised. She was offered and accepted the job but the effective date of her appointment was Sunday, May 15. No paperwork was processed to make her a Unit Manager. She was told she did not meet the minimums on Thursday, May 12. <http://legislature.idaho.gov/idstat/Title67/T67CH53SECT67-5315.htm>

So, I need legal counsel on how to approach the problem-solving or if we can deny it. However, it could appear that we have accepted it already which we probably shouldn't have; however, it is believed that Laura has legal counsel in this issue and I'm trying to tread lightly.

Can you assist please? I will set a meeting with Laura because she is anxious to meet so I'll need to talk with your or someone before that meeting.

Thanks...Julie

Julie Cloud

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"One only needs two tools in life:
WD-40 to make things go, and
duct tape to make them stop!"

--G. Weilacher