

DRAFT PEACE OFFICER MERIT COMMISSION MINUTES

Tuesday August 12th, 2025

MEMBERS' PRESENT: David Salazar, Chair
Martha Stonebrook – Vice Chair
Chris Bertram – Member

MEMBER EXCUSED: None

OTHERS PRESENT: Carita Lucey Merit Administrator
Lieutenant Scott Laughlin, Merit Coordinator
Sergeant Michael Russell, Merit Coordinator

David Salazar -called the meeting to order at 4:01 PM. at the Salt Lake County Government Center, Room S2-830. This meeting was also available via Webex.

David Salazar- April 7th, 2025, Sgt. Craig Tishner filed a grievance on the 2025 Lieutenants exam. The Merit Commission was notified of the grievance and asked the Merit Commission staff to provide an administrative review of the complaint. A time was arranged for Sgt. Tischer to come before the commission and address the complaint. We did not do that in an open setting as required by the Utah Public Meetings Act, which is state law. This meeting will constitute the required public meeting.

Complaint is on 2 phases of the testing process; first complaint is during the oral board interview he was given 30 minutes to answer 7 questions. There was a visible clock that failed, and he had no way of keeping track of his time. He states that it created an uneven playing field in comparison to other candidates who were able to effectively manage their time with a working clock. Phase three consisted of a leadership presentation, the grievance in this was regarding an email clarification that was sent to all candidates by the Merit Administrator following a candidate asking questions. Sgt. Tischner asserts that due to the timing of the email and his inability to check his inbox until later this communication placed him at a disadvantage compared to others who received and adjusted to the clarification sooner.

Sgt. Craig Tischner- The statement is a summary of a grievance filed regarding a lieutenant's promotional exam. Sgt Tischner's primary concern isn't the outcome of the exam itself, but rather the flawed grievance process that followed. Sgt. Tischner was not given access to HR's findings on their grievance, which is a violation of current policy. When he was asked to explain his position to the Commission, he was not aware of HR's specific conclusions, making it difficult to fully defend his case. Sgt Tischner believes that HR's dual role as both the exam administrator and the grievance administrator presents a potential conflict of interest. Violation of the Utah State Open Public Meeting Act: A meeting was held without proper public notice or transparency.

Sgt. Tischner emphasizes that he is not making accusations of bad faith. Instead, he wants to work together to revise the process to ensure a fair, transparent, and consistent grievance process for all future employees. Sgt Tischner also expresses willingness to assist in shaping a better path forward based on his experience.

David Salazar- It is important to the commission to be open and transparent as required by law. Anything we as a commission can do to help improve this process going forward is because of this. Today we will just address the specific issues that were raised by your grievance.

Sgt. Craig Tischner- This statement addresses the possibility of the grievance being discussed publicly in a meeting. Sgt Tischner is concerned that a public discussion would set a bad precedent, making other employees feel intimidated or exposed when filing their own grievances. They suggest the meeting be postponed until a clear, confidential policy is in place.

However, Sgt. Tischner also expresses a willingness to not continue the discussion at all if the meeting is merely a formality and the outcome has already been predetermined by his complaint to the Attorney General's office. In this case, he would prefer his original statement be used as the official record.

Chris Bertram- Have you been provided a copy of the statement of their findings? And review that?

Sgt. Tischner- No, his understanding that it is merit commission policy that restricts him from seeing that.

Carita Lucey- The policy states that the recommendation will be provided to the commission and was provided to the commission.

Chris Bertram- For this hearing we would provide him with a copy of the statement for his review.

Carita Lucey- Would like to refer to our council for that.

Zach Lancaster- commission will need to decide as to whether this constitutes discussion of the competency of the individual. If this is the case, I would recommend a closed meeting. Not familiar with the issue but if this is just administrative like how the process was handled then that's not delving into the character.

Carita Lucey- Attorney Generals Office stated that if he withdraws his grievance the prior decision of the Merit Commission would also be withdrawn, we would not need to move forward.

Martha Stonebrook- The Commission followed policy 4910 that allows them to refer a complaint to staff referred to as Mrs. Lucey and her team for an initial review and

investigation. This is why the grievance was sent to HR for a report and recommendation. The policy also gives the Commission the discretion to determine the specific methods for a review. This includes options like private interviews, document review, and public hearings. The Commissioner believes their discussion with the author (grievant) was a valid method to "glean" more information that was not in the original written complaint. Suggests that the Commission's actions were an attempt to provide the author with a chance to speak directly, while other individuals were interviewed by staff. They acknowledge that their interpretation of the policy may be incorrect, but believe it is an important point to consider when discussing potential improvements to the process. The Commissioner then opens the floor for discussion, questioning if their interpretation of the policy was correct and what the policy truly means in practice.

Zach Lancaster- points out that it is a good topic to discuss as far as policy changes go but should be noticed for a different public meeting.

David Salazar- Sgt Tischner has the option to wave. Must be done in a public manner as stated by the Utah Open Meetings act.

Sgt Craig Tischner- Does not want other employees to feel intimidated or exposed by having their grievances or personal matters discussed in an open meeting. If it means withdrawing my grievance to make a better process moving forward would be willing to do that.

David Salazar- clarifies that if the commission meets as a body and there is a quorum it must be public.

Sgt Craig Tischner- main concern is the lack of due process in the current grievance procedure. He believes this is a direct result of the Merit Commission's policy. The core issue is that the policy does not allow the grievant access to the findings or conclusions reached by the staff or HR. This prevents the user from being able to properly respond to or challenge those findings, which he likens to a court case where all evidence should be laid out on the table. Suggests that a fair process would involve providing the findings to the candidate. This would allow for a discussion with the Merit Commission staff and give the candidate a choice to either withdraw their grievance or proceed with a public hearing. Goal is to ensure the Merit Commission fulfills its purpose of being a fair, unbiased body that protects employees. He wants to work constructively with the Commission to update policies and ensure they align with state statutes, like the Open Public Meetings Act, to create a transparent and consistent grievance process for everyone moving forward.

Carita Lucey- Clarifies that the report as stated in the policy is given to the commission staff which is who it was provided to.

David Salazar- Policy 4910 was a policy that was addressed last week and we approved some changes to the policy but that section remains the same. Nothing in the

policy precludes the commission from doing whatever we choose to do after the report is delivered to us.

Martha Stonebrook- suggested that the petitioner be provided with a copy of the report and recommendation prior to the hearing on the matter. This would take place after the merit commission conducts its own review and investigation.

David Salazar- Stated if any further changes to the policy are made, will need to be adjusted as a step as its own issue.

Chris Bertram- states under 2.6 we can provide based on our discretion. We could provide it.

David Salazar- states that he would say that it is permissive by the way it is stated, it's not excluded.

Zach Lancaster- would say in terms of discussing future changes to policy, would not talk about that at this meeting because it needs to be noticed differently. We can talk about Tischner requested to review it in his grievance and whether or not you will allow it.

David Salazar- closes public comment on issue

The standard practice has been for the Merit Commission to ask its staff to conduct the initial review and investigation of a grievance and then report back to the Commission. The commissioner is unaware of any previous instances where the staff's report was provided directly to the individual who filed the grievance. The commissioner's initial thought is that there is no reason to withhold the report from the grievant. They don't believe the report contains any information that would need to be redacted or altered, and they see no major concerns with sharing it. They are essentially suggesting a new, more transparent approach.

Chris Bertram- based on the fact that we are going an administrative review on this, that Sgt. Tischner has indicated that he would like to go forward if he could get a copy of the report, review it and come back for another administrative review to allow us to make a decision as whether we should move forward with something more formal.

Commissioners agree with Chris Bertram's recommendation.

Carita Lucey- unless in the interim Sgt Tischner decides to withdraw his grievance.

David Salazar- when he reviews that report he would decide whether or not to proceed.

Chris Bertram- would motion to table the public meeting on the administrative review, but we would cease the administrative review and allow Sgt. Tischner to have a copy of the report recommendations that were provided by staff and allow him a reasonable amount of time to review and schedule another administrative review (public hearing).

Carita Lucey- states that this has been outstanding since April and would request that a time for the review to be scheduled so this can be done within a timely manner.

Sgt Tischner- would ask for 30 days to have enough time to review prior to the next hearing.

Chris Bertram- table the administrative review for Sgt. Tischner and allow him time to review the report recommendation and set a reasonable timeline for another administrative review to decide where we go forward.

David Salazar- suggests 15 days. The current policy for these reviews allows an individual to make a complaint within 15 calendar days of the event. The time would start from when the report is provided to Sgt. Tischner. Would allow 15 days for him to decide if he wants to proceed with the grievance.

Sgt. Craig Tischner- Would be fine with that.

Commissioners- motioned and approved.

Public comment- would like to know if the report will be made public.

Zach Lancaster- It will depend on the contents of the report are.

Matt Thompson- how would this affect the outcome of the list? Is it still certified or is there anything that this process calls into question certification of the list?

Carita Lucey- we are dealing with grievance, and you can talk with me separately and I can answer that. We are limited to the grievance. At the time of the grievance the list had not been certified.

David Salazar- Will need to determine the resolution of this grievance and then consider what potential impact. Closed public comment. Carita will provide the report, and we will start from 15 calendar days when you receive the report.

Commissioners- move onto the next portion of the meeting.

Zach Lancaster- Conducted annual training for the Utah Open and Public Meetings Act.

Reviewed and approved by _____

DATE: _____

David Salazar, Chair
Salt Lake County
Peace Officer Merit Commission

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