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Knox County Merit System Board of Directors Meeting

Moderated by Christopher Manning

Wednesday, April 12, 2023

5:14 p.m.

Knox City County Building: Main Assembly Room

400 Main Street

Knoxville, TN 37902

(865) 215-2327

Reported by: Joni Bolden

JOB NO.: 5803866

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A P P E A R A N C E S

List of Attendees:

Paula Taylor, Merit System Director

Clarence Vaughn, Board Member

Lindsey Willis, Board Member

Jim Wright, Jr., Board Member

Myers Morton, Esquire - Knox County Law Director's
Office

John Valliant, Vice-Chairman of Board

Christopher Manning, Chairman of Board

John Marshall, Board Member

Kenny Boatman, Board Member

Houston Havasy, Knox County Deputy Law Director

Lisa Jarrell, Employee of Knox County Sheriff's Office

Chief Brent Gibson, Employee Representative - Law
Enforcement Division

Mitzi Evans, Employee Representative - Civilian
Division

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P R O C E E D I N G S

MR. MANNING: The next order of business is a grievance hearing for Lisa Jarrell. I notice that, Ms. Jarrell, you're here, and counsel for the county.

This is kind of an unusual circumstance where, because of your personal situation, we have to get an affirmative waiver from you to discussion anything based on ADA restriction and the health situation. So we would have to obtain that from you before we could discuss any of the particulars regarding this.

So are you willing to give us an affirmative waiver that we will be able to discuss this in public forum?

MS. JARRELL: I've already replied to the email and told him that I'm okay with us discussing the ADA accommodation and any information that I gave to you all.

But I am not comfortable signing the HIPAA release that he sent me that was for every medical record that I have ever had. I'm not doing that. That's not necessary to discuss the matter at hand. The matter at hand is whether or not they

1 followed the procedures under ADA.

2 MR. MANNING: I'd have to defer to our
3 legal counsel.

4 Mr. Morton, do you have any direction
5 on that, sir?

6 MR. MORTON: Without a waiver and
7 consent to publicly discuss her medical situation, her
8 medical records, those sort of items, we could be in
9 jeopardy of putting it out in public without her
10 consent. And I understand the sheriff has their own
11 difficulties as a result as well.

12 MR. MANNING: So what would be your
13 recommendation as to how we move forward, if we move
14 forward?

15 MR. MORTON: The counsel for sheriff
16 has filed a motion to dismiss the grievance on the
17 basis of the failure to consent to release the
18 information. And the Board may consider hearing that
19 motion and discussing and ruling on that motion.

20 MR. MANNING: Thank you.

21 I would entertain a motion of that from
22 any of the members of the Board. It would be a motion
23 to dismiss based on the lack of a waiver to discuss
24 the HIPAA or health-related issues involving this

1 grievance. Do I have a motion regarding that?

2 MR. MARSHALL: I would make a motion to
3 proceed in that direction.

4 MR. MANNING: Do I have a second on the
5 motion?

6 MR. BOATMAN: I'll second that.

7 MR. MANNING: I have a motion and a
8 second. I'll call for a discussion by the Board.

9 Any discussion of the motion?

10 Okay, hearing none, the only concern I
11 have is we're kind of hamstrung by the law regarding
12 this. And dismissing the grievance doesn't eliminate
13 any type of legal redress by the employee. We are
14 pretty much taken out of the mix based on the lack of
15 a waiver; is that correct, Mr. Morton?

16 MR. MORTON: That's correct. It could
17 make the Board liable for disclosing information that
18 we're not allowed to --

19 MR. MANNING: Just so we're clear, our
20 actions are not restricting our movement; it's the
21 lack of a waiver that would restrict our ability to
22 discuss. So --

23 Yes, Mr. Wright?

24 MR. WRIGHT: Could I ask: What rule is

1 that under?

2 MR. MORTON: HIPAA. It's a federal law
3 that requires that all a person's medical information,
4 health information remain completely silent.

5 And it can't be shared. It cannot be
6 talked about. It can't be publicly broadcast without
7 the patient consenting to that information to be put
8 out there publicly.

9 And Ms. Jarrell was offered an
10 opportunity to sign such a release. And she, for her
11 reasons, said she did not want to and she wouldn't.
12 And I'm just advising this Board, without a proper
13 release, we could be liable for broadcast.

14 Even though she's here and she may be
15 putting the things forward, I don't know if the
16 sheriff would have an opportunity to properly respond
17 to it. But as far as this Board's concerned, we asked
18 Ms. Jarrell to sign a formal HIPAA release, and she
19 would not do so. For her reasons.

20 MR. MANNING: Any further questions or
21 inquiry by any of the members of the Board? Hearing
22 none, call for the question. All in favor of the
23 motion, signify by saying aye -- or, no. Excuse me.
24 Let me poll all the members.

1 Mr. Vaughn?

2 MR. VAUGHN: Vote in favor of the
3 motion's approval.

4 MR. MANNING: Ms. Willis?

5 MS. WILLIS: I vote in favor of the
6 motion.

7 MR. MANNING: Mr. Wright?

8 MR. WRIGHT: I'll pass.

9 MR. MANNING: Mr. Valliant?

10 MR. VALLIANT: I vote against the
11 motion.

12 MR. MANNING: Mr. Marshall?

13 MR. MARSHALL: I vote for it.

14 MR. MANNING: Mr. Boatman?

15 MR. BOATMAN: I vote for it.

16 MR. MANNING: And Mr. Manning votes in
17 favor of the motion. So the vote is 5-1-1. The
18 motion passes.

19 (Discussion held off the record.)

20 MS. JARRELL: -- I don't get to say
21 anything? Not a thing?

22 MR. MANNING: I'm sorry; what'd you
23 say, ma'am?

24 MS. JARRELL: Do I get to say anything?

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MR. MANNING: No.

MS. JARRELL: You don't have to say anything.

MR. MANNING: We actually made a motion, and we've dismissed your grievance based on the lack of ability to discuss anything. So we're moving forward.

MS. JARRELL: Okay.

(Whereupon, the meeting concluded at 5:22 p.m.)

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CERTIFICATE OF DEPOSITION OFFICER

I, JONI BOLDEN, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JONI BOLDEN

Certified Reporter in and for the
State of Tennessee

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CERTIFICATE OF TRANSCRIBER

I, SARAH COSTA, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



SARAH COSTA

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