

October 31, 2019

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting  
Thursday, November 14, 2019  
1:30 p.m., Commissioners Hearing Room  
County-City Building, Room 112

<b>NOTE: SPECIAL MEETING DATE</b>
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## A G E N D A

- ITEM 1: Approval of minutes from the October 3, 2019 meeting
- ITEM 2: Request for appeal hearing – Tory Carkoski – County Clerk
- ITEM 3: Miscellaneous Discussion

PC: Kristy Bauer  
Dan Nolte  
Rick Deboer  
Tory Carkoski

2019 OCT 9 AM 7 31

# OFFICIAL APPEAL FORM



Name of Employee: Tony CarKoski

Department: County Clerk

Classification: County Records Specialist II

Work Location: City County Building Immediate Supervisor: Cori Beattie

**STATEMENT of APPEAL:**

List applicable appeal: See Attached sheet

**Adjustments Required:**

Reinstate Tony back to her former position with retro pay, and make Tony whole again.

**I authorize the IBEW Local 1536 as my representative to act for me to disposition of this appeal.**

Signature of Union Representative [Signature] Title: Unit Chair

Date presented to management \_\_\_\_\_ Signature: \_\_\_\_\_

**This statement of appeal to be made out in triplicate. All three are to be signed by the employee and / or the IBEW representative handling the case.**

Original To: HR Copy: Employee  
Copy: Local Union Grievance File

On September 19, 2019 Tory Carkoski was terminated from her position because of accusations that she was intoxicated at work, the morning of August 30, 2019. In a pre disciplinary letter dated September 9, 2019 it states that an email was sent to Tory's supervisor by a customer who believed that Tory was clearly intoxicated while helping her with a marriage licence.

In the pre disciplinary letter it also states that several of Tory's co workers believed that Tory was intoxicated, and was acting erratically.

In the pre disciplinary meeting held on September 17, 2019 Tory claimed she was not intoxicated at work, but extremely tired. It should also be noted that Tory was never confronted by her supervisor on the morning of August 30, 2019, and was allowed to finish out the day, and a BAC test was never ordered to confirm these allegations.

# LANCASTER COUNTY CLERK

County-City Building | 555 South 10th Street | Lincoln, NE 68508-2803  
402-441-7484 | Fax 402-441-8728

DAN NOLTE  
Clerk

September 19, 2019

Tory Carkoski  
2215 SW 18<sup>th</sup> Street  
Lincoln NE 68522

Re: Termination

Dear Tory:

On September 9, 2019, you received a letter proposing disciplinary action in the form of suspension, demotion, or termination pursuant to Lancaster County Personnel Rule 11.2 and Article 18 of the AFSCME Bargaining Agreement. A meeting regarding the proposed disciplinary action was held on September 17, 2019. You and your Union representative, Rick DeBoer, attended the meeting. During the meeting, you denied being intoxicated at work. You did not offer any other information concerning the alleged violations.

After consideration of the facts before me and the information you presented, I have determined that there were no mitigating factors. Therefore, pursuant to Lancaster County Personnel Rule 11.2(e) and Article 18, Section 5 of the Bargaining Agreement, I have decided to terminate your employment with Lancaster County immediately. I have determined that you violated the following Personnel Rules:

1. Lancaster County Personnel Rule 11.2(h)4, "The employee has engaged in any action unbecoming an officer or employee of the County which reflects on the County adversely"; and
2. Lancaster County Personnel Rule 11.2(h)5, "The employee has ... failed to obey any proper direction made and given by a supervisor"; and
3. Lancaster County Personnel Rule 11.2(h)6, "The employee ... is under the influence of alcohol ... while on duty"; and
4. Lancaster County Personnel Rule 11.2(h)8, "The employee has been incompetent or inefficient in the performance of the duties of his position."

I have made my decision based on the facts set forth below:

On Friday, August 30, 2019, at 8:33 a.m., a customer sent an email to me and Cori Beattie stating, "I was just in your office getting a marriage license and the woman who

helped us was clearly intoxicated. I could smell the booze on her, her eyes were bloodshot, and her behavior was erratic." It was later confirmed that you were the employee that assisted this customer. At approximately 8:45 a.m., Deputy Chief Administrative Officer, Ann Ames, reported that she observed you behaving erratically in the office. Ms. Ames noted that during a conversation she was having with two of your co-workers about the new website, you interrupted frequently about different topics including how you "hate Matt" (your fiancé). During that exchange, Ms. Ames reported that continued to talk over your co-workers and Ms. Ames. Ms. Ames also reported that she observed your speech to be slurred, and you had noticeable trouble focusing your eyes. Ms. Ames further reported that you were extremely loud and cursed openly on several occasions during the time Ms. Ames was in the office.

Additionally, shortly after 8:00 a.m., several co-workers reported to me that you appeared to be intoxicated on the job; specifically, you were louder than normal, and they detected an unusual smell.

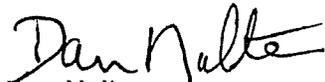
It was also reported that you told a co-worker to, "go the fuck home", because she mentioned she was not feeling well. It was also reported by Kevin Nelson, that on Friday, August 30<sup>th</sup>, you had a conversation with him in which you told him that you had been out the night before consuming alcoholic beverages and that more than one person was still passed out at your house that morning.

Finally, upon review of entries made on Friday, August 30<sup>th</sup>, you made a significant amount of errors in marriage license entries. There were 13 corrections needed on 15 entries.

On January 7, 2019, you received a reprimand for violations of Lancaster County Personnel Rules 11.2(h)(5) and (8) for not working on and completing an assigned project by an assigned deadline. On October 4, 2018, you received a rating of "below expectations" on your annual performance evaluation (for the period 9/8/17 to 9/8/18) with three (3) scores of 1 (Greatly below expectations) and seven (7) scores of 2 (Slightly below expectations). You were directed as follows: "with regard to missing or omitted information on licenses, you need to continue to follow up with couples and/or officiants in a timely fashion..."; and, "continue to closely proofread your work for data entry and spelling errors". On February 21, 2018, you received a two (2) day suspension for not properly processing a Summons, Lawsuits and Tort claims. On February 23, 2018, you received a rating of "below expectations" on your annual performance evaluation (for the period 9/8/2016 to 9/7/2017). You were directed to "proofread your work for data entry and spelling errors." On September 2, 2016, you received a reprimand for violations of Lancaster County Personnel Rules 11.2(h)(5) and (8) for not completing meeting minutes within the deadline and not forwarding a lawsuit to the County Attorney's Office and County Board Office per office policy.

You have the right to appeal this termination to the Lancaster County Personnel Policy Board in accordance with Personnel Rule 11.2 and Article 18 of the Bargaining Agreement.

Sincerely,

  
Dan Nolte  
Lancaster County Clerk

cc: Doug McDaniel, HR Director  
Kristy Bauer, Deputy County Attorney  
Daisy Brayton, HR Coordinator