

thoughts on coaches

7. 6-2

Jennifer Flagg

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To: Tim Mills <jtmills800@msn.com>;

Hi Tim,

Here are some of my thoughts as I consider next steps regarding Coach Goncharoff and Coach Jones -

I would review your goals and see which option fulfills what you really want to accomplish. We can deal with any issues from there. My opinion is that the permanent removal of both coaches from the football program and elimination of District approved access to students is the first goal. I think we can agree that neither coach possesses the values and exemplifies the leadership qualities that BSD wants to hold up as a role model.

Maybe ask Kevin

Labor Law is a very specialized area of the law where obscure details matter. Is labor law Kevin's specialty or is he a general counsel?

-Kevin seems to be hyper focused on

As I've stated, I think that having an arbitrator reverse a termination would not be the worse thing. In other cases my clients have prepared for this outcome and put in place safeguards to prevent negative outcomes with that result. For example, in policing when an arbitrator returns a cop to the job after termination they are often assigned to an administrative desk job so they don't have interaction with the public. Is that within your management rights to reassign him? What are some options for that outcome? For example, could you exercise the payout and non-renewal option then?

Can BSD unilaterally impose the 2nd option or does the employee have to agree to a contract payout? In other states the employee has to agree to that because it is seen as an agreement between two parties. I can't imagine either of them agreeing to it.
What is the process for each option? Have someone (Kevin and Jeff?) lay out

- Are employees automatically entitled to a hearing with the Board with termination? I'd ask someone to show you the language in the contract (or where!) that it says that.
- Are you prohibited from briefing the Board about personnel matters? If you are recommending termination then aren't you required to brief them about why? The letter should not be the entire record. If it is then I think that is extremely problematic. Does the District get to provide more information to the Board before they make their decision? If the letter and the investigation report by Jeff is the only information they have - that is something you should have known and I would have advised that the report and letter be much more substantial.
- If the employee is entitled to a Board hearing then is the District's position represented by Counsel? I agree that a public hearing where coaches are represented by counsel and get to say anything they want unchallenged and produce any documents unverified is extremely problematic and should be avoided.
- I thought I heard someone say that a 1 year suspension is not an "adverse employment action" and therefore the employee isn't entitled to an appeal with the Board. That doesn't sound right to me.
- I find it really unfortunate that you are the person that has to be concerned about verifying all these important details and it is taking up so much of your time. As much as I like Jeff, it concerns me that some pretty significant things have been missed with such a high profile issue.

So to sum it up - If this decision were up to me, I would consider talking to outside counsel whose only law practice is in public sector labor to get an independent and expert opinion. And I would revisit my goals with respect to this issue and overall mission to see how to best accomplish them. Then after you make a decision, I can figure out the rest. For me, neither option is better or worse - with the exception of BSD recommending termination and the Board disagreeing - that would be difficult in terms of our goal of restoring the community's faith and confidence in District leadership.

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I hope this is helpful.
Let me know if you want to talk today - I know you have a busy day, I hope it's a good one.
Jennifer

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