

MOZINGO | QUARLES

PLLC

ATTORNEYS AND COUNSELORS AT LAW

Central Mississippi Office:
Highland Village, Suite 278
4500 Interstate 55 North
Jackson, Mississippi 39211
Telephone: (601) 812-5885

Mailing Address:
Post Office Box 4587
Jackson, Mississippi 39296-4587
www.mozingolaw.com
Writer's Email: lydia@mqlawoffices.com

North Mississippi Office:
1016 Louisville Street, Suite E
Starkville, Mississippi 39759
Telephone: (662) 268-5096
Telecopier: (662) 324-2576

December 7, 2015

Mr. Frank Nichols
Police Chief, City of Starkville
101 Lampkin Street
Starkville, MS 39759

VIA HAND DELIVERY

Re: Employee Grievance Procedure

Dear Chief Nichols:

Jeremy Akins reported to his immediate supervisor at the supervisor's request in order to complete Step II of the City of Starkville Employee Grievance Procedure. In attendance were: Sergeant Coleman, Lieutenant Edwards, Captain Ballard and Mr. Akins. The individual who should have been present with Mr. Akins was his immediate supervisor, Sergeant Coleman.

When Mr. Akins reported to this meeting as requested, the three officers each wrote the same thing on the grievance under Step II: "no relief at this level." Each of them signed. Then Captain Ballard said to Mr. Akins: "...in order not to discuss this subject..." and changed the subject to the topic of vehicle mechanics. Obviously these gentlemen do not understand that the objective of Step II is to "attempt to resolve the matter." Indeed, Captain Ballard made sure that there was **no** discussion of the action about which the grievance was filed.

Mr. Akins was then instructed to appear in Assistant Chief Thomas's office. (There is no reason for Lieutenant Edwards, Captain Ballard or Chief Thomas to be involved in this grievance. As you know, from Step II of the grievance, things move on to Step III which is to "present the grievance to your Department Head within three working days after the supervisor's answer was received.") Mr. Akins was told by Assistant Chief Thomas that he could give "no relief at this level" because the matter had to "go to the Board."

After meeting with Mr. Akins, Chief Thomas told him that he could either wait to meet you or you would call him. The fact is that Mr. Akins has three working days after he receives the supervisor's answer to present his grievance to you as department head. (Mr. Akins has not received any documentation from his immediate supervisor, although he was verbally told "no relief at this level.")

The handling of this grievance in this matter is clearly inappropriate. The procedure anticipates that there be a dialog at all steps of the grievance and clearly is focused on resolution. In fact, the grievance form states (in bold): IF THE GRIEVANCE IS DECIDED IN YOUR FAVOR AT ANY TIME OF THE ADMINISTRATIVE LEVELS SET OUT ABOVE, THE DECISION SHALL BE RETROACTIVE TO THE DATE OF THE ACTION WHICH CAUSED THE GRIEVANCE. Individuals in your department have clearly conspired to preclude any effective resolution of the grievance because at each level the message is clear: do not use this grievance procedure to attempt resolution of this dispute. Do what the Chief wants. And if you are aware of this, then you are condoning and deliberately thwarting the resolution process and are involved in the conspiracy.

It appears to me that the manner in which your department is handling this grievance procedure is highly irregular. The nature of a grievance process is to resolve grievances. By effectively thwarting the resolution process, you are tainting any outcome of this employment dispute. Additionally, you are treating Mr. Akins in a disparate manner by not allowing his grievance to be handled consistent with other employees and consistent with the process adopted by the Board.

It is also my understanding that you have already made your recommendation to the Board of Aldermen to terminate Mr. Akins. This is unfortunate, since Step V should be carried out without the Board having been previously biased. Under the Employee Grievance Procedure, the board acts as a fact-finder and ultimate resolution maker. However, because information has already been shared with board members, the opportunity for an unbiased outcome has been lost.

I would ask that you reconsider Assistant Chief Thomas's position in this matter. While I suspect that any manner of fairness in this process has been lost, Mr. Akins chose to pursue an employee grievance. It is his right as an employee of the City and he deserves better treatment than this. He deserves to be able to use the grievance procedure as it should be used, not in the way that various city employees choose to distort it.

It is also my understanding that an internal affairs investigation occurred at some point. I believe Mr. Akins is entitled to see the documents which were gleaned in the investigation as well as any report coming out of the investigation. At this point, and because all discussion has been thwarted, my client is not precisely sure why you have sought to terminate him, nor am I.

I would appreciate an opportunity to speak with you personally regarding this matter before things get too far along. I realize that asking to speak with you during this process may be extraordinary, but it is no more extraordinary than the manner in which things have been handled thus far. If you would agree to meet with me, please contact me at 662-323-5234 (office), 601-454-9718 (cell) or lydia@mqlawoffices.com (email).

Thank you for your consideration.

Sincerely yours,

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LYDIA QUARLES
Attorney for Jeremy Akins

LQ/jm
cc: Mayor Parker Wiseman
Chris Latimer, Esquire