

CHAMPAIGN COUNTY, ILLINOIS
COMMITTEE MINUTES

PUBLIC AID APPEALS COMMITTEE

Tuesday, January 9, 2007

Brookens Administrative Center, Meeting Room 2

1776 E. Washington St., Urbana

9:00 a.m.

MEMBERS PRESENT: Babb, Burnison, Schmidt, Starwalt, Weibel

MEMBERS ABSENT: None

OTHERS PRESENT: Mickey Bailot (Former Cunningham Township Case Worker), Kat Bork (Recording Secretary), Elvis Bunch (Eastern Illinois Foodbank Warehouse Manager), Carol Elliott (Cunningham Township Supervisor), Fred Grosser (Cunningham Township Attorney), Susan McGrath (Senior Assistant State's Attorney), Emma Shen (Intern at Cunningham Township Office), Deana Wilson (Intern at Cunningham Township Office), Appellant #02.51

CALL TO ORDER

Weibel called the meeting to order at 9:02 a.m.

ROLL CALL

The Recording Secretary called the roll. Babb, Burnison, Schmidt, Starwalt, and Weibel were present at the time of the roll call.

APPROVAL OF AGENDA/ADDENDUM

MOTION by Schmidt to approve the agenda for the meeting; seconded by Burnison. **Motion carried.**

APPROVAL OF MINUTES

MOTION by Burnison to approve the Public Aid Appeals Committee minutes of December 12, 2006; seconded by Starwalt. **Motion carried.**

DATE/TIME OF NEXT REGULAR MEETING

The next Public Aid Appeals Committee meeting is scheduled for February 13, 2007 at 9:00 a.m.

PUBLIC PARTICIPATION

There was no public participation.

COMMUNICATIONS

There were no communications for the committee.

PUBLIC AID APPEAL FROM CUNNINGHAM TOWNSHIP REGARDING APPELLANT #02.51
Receipt of Evidence from Appellant and Township

The committee confirmed they had reviewed the evidence contained in the agenda packets.

MOTION By Schmidt to receive the evidence in the agenda packet, including the notice of appeal filed with the township by Appellant #02.51, the pre-hearing conference appointment letter sent to Appellant #02.51 by the township, and the statement of facts from the township; seconded by Burnison. **Motion carried.**

Weibel asked if the appellant or township had any additional evidence to submit to the committee. Grosser stated the township wished to present additional evidence and witnesses after the appellant had the opportunity to present any evidence. Burnison asked Appellant #02.51 if he was represented by legal counsel or had any additional evidence. Appellant #02.51 stated he did not bring an attorney because he did not figure he needed an attorney for the hearing. Burnison noted the statement of facts indicates Appellant #02.51 was made aware that he could bring legal counsel to the hearing and that he told the township that he had an attorney, but he refused to give the attorney's name.

Weibel allowed Appellant #02.51 to present a case first. Appellant #02.51 asked how he could lose the township assistance when he had not broken any rules. He continued to state that he did not break any rules. He explained he was talking to a friend and did not think he said anything that broke any rules. Burnison asked if Appellant #02.51 understood the workfare requirement to receive assistance and the requirement to follow the rules of any workfare site. Appellant #02.51 claimed he followed every rule. Schmidt asked what Appellant #02.51 thought the circumstances were when Appellant #02.51 was asked to leave the Eastern Illinois Foodbank. Appellant #02.51 stated that Elvis Bunch said to Appellant #02.51 "you threatened to cut somebody" and Appellant #02.51 replied "What? I ain't threaten to cut nobody. Me and my friend was talking and I had the razor, right, and I was telling him, man, you know the only thing bad about this razor is it ain't got no blood on it." Appellant #02.51 said he and his friend were joking and laughing. He and his friend went on break to smoke a cigarette and when Appellant #02.51 returned, Elvis Bunch told Appellant #02.51 that he had to leave the workfare site. Appellant #02.51 felt he did not do anything wrong. Burnison asked what Appellant #02.51 meant by the statement "don't have no blood on it." Appellant #02.51 said it did not mean anything, he was just talking. Schmidt asked if Appellant #02.51 understood that being asked to leave the workfare site meant the appellant was terminated from that workfare site. Appellant #02.51 confirmed that was understood. Burnison asked if Appellant #02.51 wanted to present anything else for the committee's consideration. Appellant #02.51 said that was all that happened.

Weibel called on Grosser to present evidence for Cunningham Township. Grosser stated he had three witnesses present and requested them be sworn in. Mickey Bailot, Elvis Bunch, and Carol Elliott swore to tell the truth, to the best of their knowledge, according to what they believed to have occurred in the events that are related to this appeal. Grosser called Bailot as a witness first. Bailot confirmed she was a former Case Worker for Cunningham Township and described her duties, which included supervising the work and training program. Bailot explained her involvement with Appellant #02.51 was as the Case Worker for the appellant (Bailot was covering for another Case Worker's maternity leave at the time). Appellant #02.51 appeared at the office and requested to speak with Bailot regarding an issue with his workfare assignment. Bailot spoke to Appellant #02.51, who stated he had been sent home from the Eastern Illinois Foodbank and wanted to be sent to the classes at Job Club. Bailot explained to Appellant #02.51 that she needed to gather some additional information because if an appellant is terminated from a workfare site then the appellant is terminated from township assistance. Bailot requested Appellant #02.51 call her the next day to learn the results of the investigation. Bailot investigated by making phone calls and speaking with Bunch as described in the statement of facts on December 6, 2006. Bunch stated to Bailot that there had been four separate complaints about Appellant #02.51. The complaints included Appellant #02.51 saying he was going to use his razor to gut someone, followed by the use of profanity. Bunch stated to Bailot that several staff and customers felt unsafe due to Appellant #02.51's

remarks about the razor and Appellant #02.51 was terminated from the Eastern Illinois Foodbank for failure to follow their rules and policies. Bunch faxed Bailot a copy of the Eastern Illinois Foodbank's workplace rules and policies that had been signed by Appellant #02.51 at the commencement of his assignment at the foodbank. Appellant #02.51 did not contact Bailot the next day. A letter was sent to Appellant #02.51 explaining the termination from township general assistance.

Grosser presented Township Exhibit #2, which Bailot identified as the application that Appellant #02.51 filled out to receive general assistance. Grosser presented Township Exhibit #3, which Bailot identified as the cover sheet that shows Appellant #02.51's initial appointment time and place. Grosser presented Township Exhibit #4, which Bailot identified as the budget sheet indicating how much township assistance Appellant #02.51 would receive including that fact that the appellant was initially eligible for general assistance. Grosser presented Township Exhibit #5, which Bailot identified as the update letter stating Appellant #02.51 was approved for township assistance, when the next appointment was, and what the appellant would need to bring to the next appointment. Grosser presented Township Exhibit #6, which Bailot identified as the letter assigning Appellant #02.51 to the Eastern Illinois Foodbank as a workfare site and the township rules regarding workfare. Bailot read a highlighted section of the township rules that stated "5. Follow all policies and procedures established by the work site." Grosser presented Township Exhibit #7, which Bailot identified as the email received from Elvis Bunch describing the problem that led to the termination of Appellant #02.51 from the Eastern Illinois Foodbank. Bailot had requested Bunch put what occurred in writing and send it to her in an email. Grosser presented Township Exhibit #8, which Bailot identified as the faxed Eastern Illinois Foodbank workplace rules Bailot received from Bunch. The workplace rules explain the requirements for anyone who does service at the foodbank. These rules were signed by Appellant #02.51 and a foodbank representative. Grosser asked Bailot to describe Rule 14A. Bailot read Rule 14A which stated "The following will not be tolerated: abusive, degrading, or foul language." Grosser presented Township Exhibit #9, which Bailot identified as Appellant #02.51's termination notice that lists the effective date of termination from general assistance and the rule from the General Assistance Manual that the township followed in terminating the appellant's assistance. Grosser asked if there were any questions from the committee or the appellant for this witness. Weibel stated there were none at this time.

Grosser called Elliott as the next witness. Elliott stated she is the Cunningham Township Supervisor and the supervisor of the township's general assistance. Grosser presented Township Exhibit #1, which Elliott identified as the certificate of publication in the *News-Gazette* stating the township follows standards for general assistance policies as written by the Department of Human Services for downstate general assistance along with any amendments to the rules made by the township office. Elliott confirmed Exhibits #2-#9 were copies of official records from her office regarding this case. Grosser presented Township Exhibit #10, which Elliott identified as the notice of appeal used by any applicants to submit an appeal in writing regarding decisions made in their case. Exhibits #10 was the notice of appeal filed by Appellant #02.51. Grosser asked if a pre-hearing conference with the appellant was scheduled. Elliott confirmed a pre-hearing conference was scheduled with Appellant #02.51 and identified Exhibit #11 as the pre-hearing conference appointment letter that was sent to Appellant #02.51, explaining when and where the conference would take place, as well as explaining that the conference was an opportunity for the appellant to provide evidence the township may not have considered. The purpose of the conference is to try to resolve the issues that led to termination of assistance and appeal. Appeals can be resolved at this step. The conference was scheduled for Thursday, December 21, 2006. Elliott stated Appellant #02.51 appeared at the pre-hearing conference and the appeal was not resolved. Grosser presented Township Exhibits #12, #13, and #14, which Elliott identified as pages from the General Assistance Manual written by the Illinois Department of Human Services. The section of the manual presented addressed client cooperation to qualify for general assistance benefits. A client must cooperate with the township to determine their eligibility and cooperate with the general assistance work and training program. A client must accept and complete an assignment or be terminated from general assistance with a three-month sanction. Grosser asked if the rules provide that participation in workfare is mandatory for someone who is physically capable of doing the work and if a person is required to follow the workfare site's rules. Elliott stated that was correct. Elliott

confirmed that a person's failure to comply with the workfare site's rules requires the township to terminate the person from general assistance and impose a three-month sanction.

Schmidt asked if Appellant #02.51 understood that he could ask questions of the witnesses. Appellant #02.51 said he would wait.

Grosser called Bunch as a witness. Bunch stated he is the Warehouse Manager at the Eastern Illinois Foodbank. Township general assistance recipients who are assigned to the foodbank as a workfare site report directly to Bunch. Bunch confirmed that he wrote the email presented in Exhibit #7. Bunch confirmed Exhibit #8 is a fax that he sent to Bailot at her request. He identified Appellant #02.51 as being present in the room. Grosser asked Bunch to tell the committee what occurred when Appellant #02.51 was at the Eastern Illinois Foodbank. Bunch reported on December 6, 2006 at approximately 10:30, Appellant #02.51 made the statement about the razor knife that Bunch had given the appellant to use in cutting open boxes. Appellant #02.51 made the statement about the knife in the presence of Charles Knox (a general assistance recipient and identified friend of Appellant #02.51), Randall Williams (a general assistance recipient), Dana Eckerty (an employee of Eastern Illinois Foodbank), Dan Grabley (an employee of Eastern Illinois Foodbank), and two clients of the foodbank who wish to remain anonymous. Appellant #02.51 made the statement that it was a nice knife, that it needed some blood on it, and somebody needed to be gutted. Appellant #02.51 was also using abusive language and cussing to Mr. Knox. All of the individuals came to Bunch to report the incident and that they did not feel safe because of Appellant #02.51's inappropriate behavior. Bunch went to Appellant #02.51, requested the knife, and escorted the appellant out of the foodbank. Appellant #02.51 requested to make a phone call for a ride, which Bunch allowed him to make. Bunch wished the appellant the best on whichever endeavors he pursued. Grosser asked Bunch what Appellant #02.51 said about the things he was reported to have said. Bunch stated Appellant #02.51 did not say much other than he was joking. Bunch explained that, according to Rule 14A, the cussing alone was enough of a violation for Appellant #02.51 to be escorted from the site. Bunch explained he always goes over the foodbank's rules with each recipient. Appellant #02.51 signed the foodbank rules on May 16, 2006 and then returned later that year, Bunch went over the rules with Appellant #02.51 and had Appellant #02.51 sign the rules again. Bunch makes sure the general assistance recipients understand the rules they will be expected to follow. He told Appellant #02.51 that he was expected to be busy at all times and to come to Bunch if he needed work to do.

Burnison asked if the foodbank employees and others who reported the incident came to Bunch collectively or one at a time. Bunch stated they came to him individually and they felt they could not say anything to Appellant #02.51 directly. Burnison asked if the witnesses took Appellant #02.51's statement as intimidation. Bunch stated the witnesses were not sure what the threats were concerning, if it was because of something the employees had asked Appellant #02.51 to do. They said they felt unsafe because of Appellant #02.51. The two clients that were there expressed they were unhappy with the language. General assistance recipients are asked to do a variety of duties at the foodbank, including helping the customers directly. Starwalt asked if this was the first day there were problems with Appellant #02.51. Bunch said there had been a previous incident when Bunch came out of his office and found Appellant #02.51 falling asleep on a box of laundry detergent. Bunch had explained to Appellant #02.51 that the appellant's idleness could reflect poorly on Bunch if his boss saw it. He told Appellant #02.51 that he should always keep busy and ask Bunch for another assignment if all other assignments had been finished. Weibel asked if Bunch had ever caught anyone else napping on the job. Bunch said he had never caught anyone else falling asleep, but he has caught people standing around without working. Weibel asked how long Bunch has worked at the foodbank. Bunch said he has been employed there for seven months. Burnison asked how the workfare program has been functioning in general. Bunch said the workfare program helps a lot. He said Appellant #02.51 had expressed to Bunch when he first came in that he had heard Bunch was a nice, pretty level-headed, and "extremely cool" guy, to quote the appellant. Bunch has only had to terminate one other individual from the workfare site. The other case was a matter of an individual signing in for work and then leaving. Overall, Bunch is very satisfied with using general assistance recipients at the foodbank.

Weibel asked if Appellant #02.51 had any questions for the witnesses. Appellant #02.51 said he had heard from a friend who worked at the foodbank that Bunch was a good guy to work for and asked Bunch if the appellant performed the duties. Bunch said the appellant had performed the duties up to the incident that he was terminated for. Appellant #02.51 stated some of the witnesses listed by Bunch were in different parts of the foodbank warehouse when he made the statements about the knife, so he did not understand how those people heard what he said. Bunch explained the witnesses were in locations near the appellant when the statements were made. Bunch said those witnesses could be brought before the committee if necessary. Bunch said Charles Knox, a friend of Appellant #02.51, was one of the individuals who reported the incident and the language used by the appellant. Appellant #02.51 said there was nothing that would surprise him about Charles Knox. Appellant #02.51 said he did not understand how all the people got involved when it was just him and Knox in the aisle “ghetto talking.” Appellant #02.51 said he had not done anything and did not understand how he had broken a rule.

Schmidt asked if Appellant #02.51 made the statement about gutting someone. Appellant #02.51 denied saying that. Appellant #02.51 said he had stated to Knox, in regard to the new razor knife, that “it was a nice razor, but it ain’t got no blood on it.” Appellant #02.51 said he was just talking. Appellant #02.51 stated he and Knox went on a break to smoke a cigarette. Schmidt asked if Appellant #02.51 used profanity. Appellant #02.51 denied using profanity. Schmidt asked if Appellant #02.51 used profanity anytime at the foodbank on the day of the incident. Appellant #02.51 said he probably did use profanity outside, but he did not think he did so inside. Schmidt asked if the individuals cited by Bunch were present at the foodbank the day of the incident. Appellant #02.51 confirmed those individuals were present.

Weibel asked Bunch about the size of the foodbank warehouse. Bunch explained the total warehouse is about 45,000 square feet. The shopping area (which is the area being discussed) is relatively small and is about three times the size of Meeting Room 2. Bunch said it would be easy to hear someone talking in the shopping area from the loading area. Burnison asked if Bunch would accept Appellant #02.51 back at the foodbank if the appellant is eligible for general assistance in the future. Bunch said he would not accept Appellant #02.51 at the foodbank because the foodbank employees stated to Bunch that they did not feel secure because of Appellant #02.51. Whatever Appellant #02.51’s intention was, the statements made the employees feel unsafe. Bunch wishes Appellant #02.51 the best of luck in other endeavors, but cannot allow the appellant to return to the foodbank. Starwalt asked about the appellant’s work ethic. Bunch stated Appellant #02.51 was a little resistant when he was asked to perform a task by Bunch or by Bunch’s boss. Bunch said Appellant #02.51 did the work, but there was some reluctance. He did not have problems with the appellant other than the two incidents he has mentioned. Weibel asked Bunch about the accusations made by Appellant #02.51 that Bunch “gets rid of blacks”, as recorded on Page 9 in the agenda packet in the statement of facts from the township office. Bunch said about 70% of general assistance recipients who work at the foodbank and at least half of the foodbank’s clients are minorities. Bunch has a regular, full-time employee who is black. Both clients who reported the incident with Appellant #02.51 to Bunch are black.

MOTION by Burnison to accept Exhibits #1-#14 from Cunningham Township; seconded by Schmidt.
Motion carried.

Closed Session Pursuant to 5 ILCS 120/2(c)(4) to Consider Evidence or Testimony Presented in Open Hearing to This Quasi – Adjudicative Body

MOTION by Babb to enter into closed session pursuant to 5 ILCS 120/2(c)(4) to consider evidence or testimony presented in open hearing to this quasi – adjudicative body. He further moved that the following individuals remain present: the Public Aid Appeals Committee members, the County’s legal counsel, and the Recording Secretary. Motion seconded by Burnison. Roll was called. **Motion carried with a vote of 5 to 0.** Babb, Burnison, Schmidt, Starwalt, and Weibel voted in favor of the motion. All participants except those

specifically mentioned in the motion exited the meeting room. The committee entered into closed session at 9:44 a.m.

The committee resumed open session at 9:53 a.m.

Announcement of Decision

Bailot, Elliott, Grosser, Shen, Wilson, and Appellant #02.51 re-entered the meeting room. Elliott explained that Bunch had to leave. McGrath summarized that the committee reviewed the exhibits taken into evidence at the hearing, the evidence presented in the agenda packet, oral arguments from the appellant and the township, and the witnesses' accounts. The committee gave due consideration to Appellant #02.51's arguments that there could have been some misunderstanding of what was intended with the appellant's statements at the workfare site. The committee drew the conclusion that Appellant #02.51 violated workplace rules 14A and 14B, which state no profanity and no practical jokes or horseplay are allowed at the workplace. Even if Appellant #02.51's intentions were not threatening, anyone who could have overheard his statements on the foodbank could have taken them in a different frame than what Appellant #02.51 intended, which is the purpose of those rules. Appellant #02.51 did not dispute understanding the foodbank's rules. The township presented a signed form stating the appellant did understand the rules. People who overheard Appellant #02.51's remarks were either offended by the profanity or felt threatened.

MOTION by Weibel to find in favor of the township and against Appellant #02.51; seconded by Burnison. Roll was called. **Motion carried with a vote of 5 to 0.** Babb, Burnison, Schmidt, Starwalt, and Weibel voted in favor of the motion.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting was adjourned at 9:57 a.m.

Respectfully submitted,

Kat Bork
Recording Secretary

Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.