

Scott M. McNair



November 22, 2002

Arizona Department of Administration  
Attn: Mr. J. Elliot Hibbs, Department Director  
100 North 15<sup>th</sup> Avenue  
Phoenix, Arizona 85007

Mr. Hibbs,

I am a former contract employee from the Maricopa County Department of Transportation.

On June 30<sup>th</sup> 2002, I was terminated from my contract, refused consideration for regular full time employment, and effectively barred from any employment with Maricopa County.

The reason for this is deliberate retaliation and reprisal for my attempts to report and oppose prohibited personnel practices, and numerous other unethical and unlawful acts by County management and employees.

Since my termination, I have repeatedly attempted to seek administrative remedies from within Maricopa County agencies, including the Maricopa County Merit System. All such attempts have been met with a campaign of reprisal, harassment, and numerous unlawful acts in attempt to dissuade me from pursuing these matters.

The County has made no attempt to inform me of what administrative options and remedies are available, and all such requests to County Officials have gone unanswered.

It is only recently that I have been informed by the Maricopa County Merit System that since my previous status was that of "*Contract Employee*", that I am excluded/exempt from the Maricopa County Merit System.

ARS 38-502.3 defines "*Employee*" as:

*"Employee" means all persons who are not public officers and who are employed on a full-time, part-time or contract basis by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration.*

Maricopa County has exempted "*Contract Employees*" from their Merit System, and has not appointed an "*Independent Personnel Board*" to hear complaints by such. ARS 48-534.C reads:

38-534. Appropriate independent personnel boards  
*C. If a community college district, county or school district does not establish an appropriate independent personnel board to hear and decide personnel matters brought pursuant to section 38-532,... complaints filed pursuant to this article shall be heard by the state personnel board.*

While I am not an attorney, it is my understanding after reviewing the above that the right to pursue these issues therefore falls to the Personnel Board of the State of Arizona.

With that in mind, I am contacting you now to formally request a public hearing in to these matters, and to be informed of what rights, options, and remedies are available to me.

If you could please have someone from within your agency forward any appropriate forms, rules, regulations, policies, and procedures to me in order that I may pursue my rights, it would be greatly appreciated.

Sincerely,

Scott M. McNair