

KENDALL LAW FIRM, PLLC

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October 29, 2015

Honorable Joel Jones
Honorable Shirley Sandlin
Honorable Susan Anglin
Honorable Michelle Chiocco
County Grievance Council
c/o Honorable Robert Clinard
Benton County
Administration Building
215 E. Central Ave.
Bentonville, AR 72712

VIA FACSIMILE: 464-6195

Ms. Barbara Ludwig
Human Resources Manager
Benton County
Administration Building
215 E. Central Ave.
Bentonville, AR 72712

VIA FACSIMILE: 271-1036

RE: REQUEST FOR GRIEVANCE HEARING
DEMOTION IN VIOLATION OF BENTON COUNTY EMPLOYMENT
POLICY HANDBOOK, ARKANSAS LAW AND FEDERAL LAW

Name: Robin Holt
Department: Benton County Sheriff's Department
Date of Hire: July 2, 2007
Date of Demotion: 10/26/2015
Current Title: Deputy
Basis for Grievance: Demotion, reduction in pay and hostile work environment
Relief Sought: Reinstatement to previous position and pay and removal of disciplinary action from personnel file

Dear Judge Clinard and Ms. Ludwig:

Donald Kendall and I represent Robin Holt. On October 26, 2015, Sheriff Kelley Craddock wrongfully demoted Ms. Holt from the position of lieutenant to deputy and

reduced her pay in retaliation for Ms. Holt's cooperation with an Arkansas State Police investigation into certain actions of Sheriff Kelley Craddock. We are submitting this grievance on her behalf and hereby request a grievance hearing before the Benton County Grievance Council. In the event that Benton County has not appointed a County Grievance Council, then please consider this to be a request for a grievance hearing before all members of the Quorum Court.

In accordance with Section 405 of the Benton County Employment Policy Handbook, we are submitting this timely grievance to you and respectfully request a pre-deprivation hearing be set. Also pursuant to Section 405 of the Benton County Employment Policy Handbook, we respectfully request that the demotion and reduction in pay which forms the basis of this grievance be deferred until the conclusion of the hearing.

Ms. Holt has been employed by the Benton County Sheriff's Office since July 2, 2007. In 2012, she was promoted to Sergeant and worked in booking and then transportation. On February 3, 2014, she was promoted to Transportation Sergeant. On October 13, 2014, she was promoted to Jail Administrative Lieutenant. On October 26, 2015, Sheriff Craddock demoted Ms. Holt to the position of deputy and reduced her pay. Prior to her demotion, Ms. Holt reported to Captain Jeremy Guyll.

Sheriff Craddock's decision to demote Ms. Holt and reduce her pay was in retaliation for Ms. Holt's refusing to comply with Sheriff Craddock's illegal order to falsify county records and her cooperation with the Arkansas State Police investigation of Sheriff Craddock's illegal actions.

On October 5, 2015, Ms. Holt was provided notification that Sheriff Craddock wanted to hire Gabriel Cox immediately and that Cox would be in the Sheriff's Office that day to receive uniforms/equipment that day. Cox was living with Sheriff Craddock at the time. Ms. Holt advised that Cox had not yet completed psychological evaluation or physical required prior to Cox starting work. Despite not having completed the necessary testing, Ms. Holt was required to hire Cox. Ms. Holt was further advised that Sheriff Craddock ordered that Cox's start date, time records and pay records were to be backdated to the week prior thereby paying Cox for time that he was not employed by the Sheriff's Office. Holt refused to backdate the time and pay records. Ms. Holt informed Captain Jeremy Guyll that she was going against an order the Sheriff because she believed that it was illegal and unethical. Captain Guyll agreed and reported Sheriff's Craddock's order.

On October 6, 2015, Ms. Holt was requested to meet with Nathan Smith, Benton County Prosecuting Attorney and David Moss, Arkansas State Police Investigator. Nathan Smith informed Ms. Holt that there would be an investigation into the Sheriff, focusing on his order to backdate the time/pay sheet for Mr. Cox. Mr. Smith left and Ms. Holt was interviewed by Inv. Moss. Later in the day, Ms. Holt was interviewed by Inv. Moss a second time.

On October 13, 2015, Sheriff Craddock was made aware of the State Police investigation. Sheriff Craddock was irate about the investigation and immediately launched his own investigation to determine which employees were cooperating with the State Police. On the same day that he was told of the State Police investigation, Sheriff Craddock sent text messages to numerous employees within the Sheriff's Office advising them that he was going to find out who was responsible for starting the State Police investigation and stated that employees were going to be "put on the box," which means that they will be required to submit to polygraph testing so as to determine whether they were involved in State Police investigation. Sheriff Craddock repeatedly made statements that he could not trust anyone. Sheriff Craddock made numerous statements to employees within the Sheriff's Department indicating employees in the jail, including Ms. Holt and Megan Rutledge, were involved in the State Police investigation as they worked in the jail, where Cox was employed. Sheriff Craddock discussed with other members of the Sheriff's Office ways to terminate or demote Ms. Holt and Megan Rutledge without it appearing as though such terminations were retaliatory.

On October 20, 2015, Ms. Holt was advised that Sheriff Craddock had ordered an internal affairs investigation regarding a ten second video in which Ms. Holt was singing to a popular song and referenced Benton County. Ms. Holt has not seen the video, been provided a copy of the video or disseminated the video. The video was not inappropriate or derogatory, particularly when compared to the behavior that is tolerated, if not condoned, by the Sheriff. The video was sent to the Sheriff on September 24 to Sabrina Craddock's telephone number. Sabrina Craddock's telephone number is the number that the employees of the Sheriff's Office are advised to use on a regular basis to communicate with the Sheriff. Captain Guyll received a text message response from Sabrina Craddock's telephone number indicating that the video was funny.

On October 23, 2015, Sheriff Craddock also ordered an investigation into whether Ms. Holt had used her county-issued vehicle on a vacation over the summer. Ms. Holt assured the investigator that she had not and that she had not traveled out of town. The investigation was solely in retaliation for the State Police investigation. This was not a department wide investigation but focused on those who Sheriff Craddock suspected of being whistleblowers.

Ms. Holt has been demoted, received a reduction in pay, and has been subjected to a hostile work environment because of her refusal to carry out an illegal order as well as her cooperation with the Arkansas State Police. The adverse employment actions are in violation of the Benton County Employment Policy Handbook, Arkansas law as well as Ms. Holt's state and federal constitutional rights.

We respectfully request a hearing and appreciate your prompt attention to this matter. If there is any other information that is necessary to effectuate this request, please advise me immediately and preserve Ms. Holt's rights under this policy until such information is provided.

Sincerely,



Susan Keller Kendall

Request for a Grievance Hearing

The purpose of a Grievance hearing by the Benton County Grievance Council is to listen to the employee's or applicant's claim of potential discrimination and/or unlawful termination. In addition, if an employee feels their future employment potential has been damaged due to public statements made by representatives of the County, a name clearing grievance hearing may be requested. If the Grievance Council does not determine that the reasons behind your requests fall under the criteria stated above, a hearing may be denied or dismissed.

Name: Robin Holt Date of Hire: 7/2/2007

Department: 418- BC30 Job Title: Deputy

Reason for Termination: Demotion, Reduction in Pay,
Hostile work environment - See attached

Please check the protected right you feel was violated in your termination or any adverse employment decision:

- Race
- Color
- Religion
- Gender
- National Origin
- Protection under the Whistle Blower Act (ACA 212-1-601 to -610)
- Other - see attached

If you checked one or more of the areas above, briefly describe how you believe you were discriminated against:

See Attached

Do you feel your future employment has been damaged due to public statements made by a Bernton County representative: YES No If No, proceed to the signature portion of the form.

Who made the statement in your claim? _____

What is this person's job title? _____

When was the statement made? _____

In which media was this statement made?

Newspaper, which newspaper(s) _____

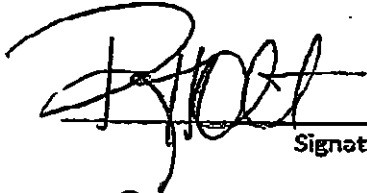
Radio, which station(s) _____

Television, which station(s) _____

Social Media, which website(s) _____

Please quote the statement that was made and attach a copy if available:

I attest that the above information is correct.



Signature

10/29/15

Date

Rubin Holt

Printed Name