

KENDALL LAW FIRM, PLLC

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October 30, 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: Jeremy Guyll
Department: Benton County Sheriff's Department
Date of Hire: 2010
Date of Demotion: Unknown
Current Title: Unknown
Basis for Grievance: Demotion
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 Jeremy Guyll. Jeremy Guyll is a Captain with the Benton County Sheriff's Office. Captain Guyll is currently on a medical leave of absence.

On October 27, 2015, Sheriff Craddock sent an email to employees of the Sheriff's Department announcing that Jeff Robbins was being promoted to Captain Guyll's position. Sheriff Craddock has not notified Captain Guyll that he is being transferred, demoted, or terminated. Captain Guyll has been informed by way of rumor that he will be demoted by Sheriff Craddock. Based upon the October 27, 2015 email, it is clear that Captain Guyll will not resume his duties as Captain over the jail upon return from his medical leave. The removal of Captain Guyll as Captain over the jail is an adverse employment action that Sheriff Craddock has made in retaliation for Captain Guyll having reported illegal and unethical conduct by Sheriff Craddock.

We are submitting this grievance on his 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. Because Mr. Guyll is currently on medical leave, we ask that the grievance hearing be set for a date after which Mr. Guyll has been released by his doctor to return to work.

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 any adverse employment action, including but not limited to demotion or reduction in pay be deferred until the conclusion of the hearing.

Mr. Guyll was employed by the Benton County Sheriff's Office from 1998 to 2003. He returned to the Sheriff's Office in 2010 as a jail deputy. Four months after returning to the Sheriff's Office he was promoted to the position of Shift Sergeant. That same year he was promoted to Staff Sergeant. In 2011, he was promoted to Lieutenant. In 2012, he was promoted to Captain and has remained there until this most recent adverse employment action.

On October 5, 2015, Robin Holt advised Captain Guyll that Sheriff Craddock ordered that the time and pay records of Gabriel Cox be falsified. More specifically, Gabriel Cox was a new employee in the jail. Sheriff Craddock ordered that Mr. 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. Ms. Holt refused to backdate the time and pay records. Ms. Holt came to Captain Guyll's office upset and advised him that she was going against an order of the Sheriff because she believed it to be illegal and unethical. Captain Guyll was Ms. Holt's immediate supervisor. He obtained additional information about the situation from Ms. Holt and agreed that it was an unlawful order and supported her refusal to carry out the order. Captain Guyll properly reported the situation. As a result, an investigation involving the Arkansas State Police was opened.

On October 6, 2015, Captain Guyll was advised that the Arkansas State Police and Nathan Smith interviewed Ms. Holt. On October 13, 2015, Sheriff Craddock was interviewed by the Arkansas State Police at his home. On the afternoon of October 13, 2015, Sheriff Craddock called Captain Guyll and stated that he had just been interviewed. Sheriff Craddock was extremely mad and asked what Captain Guyll knew about the investigation. Sheriff Craddock initially stated that he knew it was Megan Rutledge because she was trying to "sabotage" him. Sheriff Craddock would later tell Captain Guyll that he was going to transfer Rutledge to property where she could do "less damage."

Following his interview with the State Police, Sheriff Craddock sent Captain Guyll and other employees a text message stating that he was going to put the employees "on the box," a term referring to polygraph testing, so that he can determine the identity of the whistleblowers. On that same day, Don Kendall and I, on behalf of Captain Guyll, Robin Holt and other whistleblowers, met with the Benton County Attorney advising him of this threat. After our meeting with the Benton County Attorney, Sheriff Craddock sent another text recanting his threat and stating that when he threatened to put the employees "on the box" he was only "joking." They was in no way delivered as a joke. Captain Guyll understood the text to be a threat and believed that he would be subjected to polygraph testing. Only after our meeting with the County Attorney did the threat become a "joke."

On October 14, 2015, Sheriff Craddock called Captain Guyll into the Sheriff's office and shut the door. It was clear that Sheriff Craddock was attempting to intimidate Captain Guyll. In this meeting, he ordered that Captain Guyll tell him everything about the investigation. Sheriff Craddock told Captain Guyll that if the Sheriff lost his job over the investigation then Captain Guyll would also lose his job.

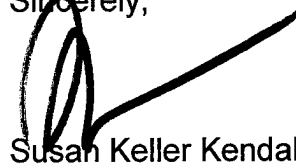
On October 19, 2015, Captain Guyll was advised that Sheriff Craddock had ordered an internal affairs investigation regarding a ten second video in which Ms. Holt was singing to a popular song and referenced Benton County. The video was recorded on September 24, 2015, by Captain Guyll. Captain Guyll sent the video to three individuals, two employees of the Sheriff's office as well as to the Sheriff via his wife's cell phone. 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. Sabrina Craddock is at the Sheriff's Office on a regular basis and is involved in the day-to-day operations of the Sheriff's Office. Captain Guyll received a text message response from Sabrina Craddock's telephone number indicating that she found the video to be funny. A copy of the text message chain is attached hereto as Exhibit A. The video was in no way inappropriate or derogatory, particularly when compared to the behavior that is tolerated, if not condoned, by the Sheriff.

Captain Guyll never released the video to anyone outside of the Sheriff's office. The only person responsible for releasing the video outside of the Sheriff's office is the Sheriff. On October 30, 2015, after the filing of Robin Holt's grievance, the Sheriff's mother-in-law posted the video on her Facebook page. KNWA released a copy of the video and reported that it received the video from Sheriff Craddock.

Captain Gyll is being subjected to a hostile work environment and adverse employment actions in retaliation for his reporting of Sheriff Craddock's unlawful order.

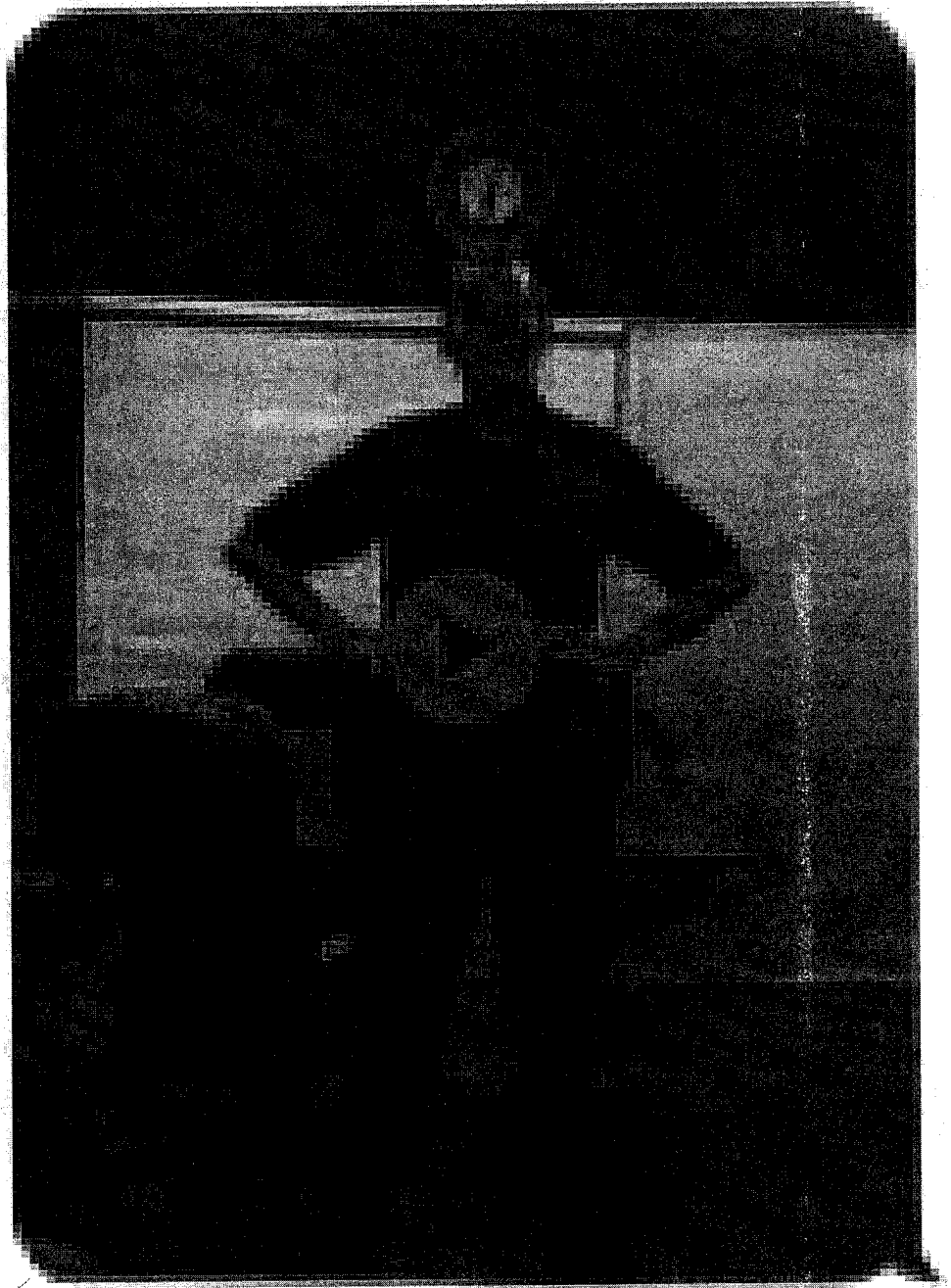
We respectfully request a hearing and appreciate your prompt attention to this matter. If there is any other information that is necessary to effectuate this request, please advise me immediately and preserve Ms. Holt's rights under this policy until such information is provided.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a long horizontal stroke extending to the right.

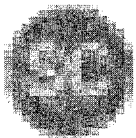
Susan Keller Kendall

To: Hot Momma @ @, Nate, Sabrina



Sabrina Crestock

Ishotthe.sheriff.
5.12@gmail.com



Ex.A

Hot Momma 😍😍, Nate, Sabrina

Bahahahahahahahaha



oh hell the stuff!!!

SC

Hot Momma 😍😍

Holy Effin Funny!

Sabrina Cradduck

Question for Lt. Does Benton County have anything against the Stanky Leg?



Legit dying!

And... Did Devore approve this message?!

To: Hot Momma 😍😍, Nate, Sabrina

SC Oh snap! Took it too far 😨

Just stop there. I needed a good laugh today.

Sabrina Craddock

SC I'm going to! Pretend the last two never came through! That was hilarious 😂

👍 Funny shit.

Sabrina Craddock

I could NEVER work side by side with her! I would always be in trouble!

To: Hot Momma 😍😍, Nate, Sabrina

That Lt. She's a hoot!

We won't let you
superman that hole 😂😂
😂😂😂😂😂😂😂😂

SC

Sad thing is... Kelley has
NO CLUE what those
dance steps or dances
are 😞 God rest his soul...
😂 he's such a grump!

SC

Unless Poison or Van
Halen did it, he wouldn't
know.

Sabrina Cradduck

Bahahahahahaha you

To: Hot Momma 😍😍, Nate, Sabrina

Unless Poison or Van Halen did it, he wouldn't know.

Sabrina Craddock

Bahahahahahaha you have no idea how TRUE that is!! If they aren't or weren't rocking a mullet while dancing... He has NO CLUE 😂😂😂😂

SC

That awkward moment.... You realize your husband is stuck in the 80s 😳😭



SC

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: Jeremy R. Guyll Date of Hire: 8/2010
Department: 418-BCSO Job Title: Captain
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 Benton 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) _____

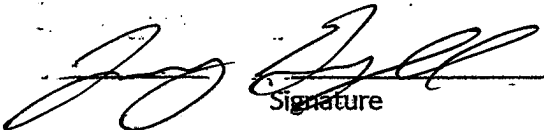
Radio, which station(s) _____

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

10/30/15
Date

Jeremy Guyll
Printed Name