



CLOSED CASE SUMMARY

ISSUED DATE: JULY 2, 2018

CASE NUMBER: 2016OPA-0663

Allegations of Misconduct & Director’s Findings

Named Employee #1

| Allegation(s): | | Director’s Findings |
|----------------|---|---------------------|
| # 1 | 5.001 - Standards and Duties 14. Employees Obey any Lawful Order Issued by a Superior Officer | Sustained |
| # 2 | 4.010 - Employee Time Off 2. Employees Schedule Time Off With Their Sergeant/Supervisor | Sustained |

Imposed Discipline

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| Suspension without Pay – 12 days |
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This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

On June 7th, 2016, the NE contacted a Department Sergeant and requested June 11th off. The Sergeant informed her that she could only have the first four hours off. The NE failed to show up to work at all on June 11th. She worked no hours that day. At the time the NE requested the time off from the Sergeant, the NE was enrolled in an Early Intervention monitoring plan that required her to request time off only through three specific supervisors. The NE did not adhere to her mentoring plan when she requested time off through the Sergeant, who was not one of those supervisors.

Reviewers should read the OPA Investigative Summary and review the OPA statement for additional details.

ANALYSIS AND CONCLUSIONS:

Allegation #1: 4.010 Employee Time Off (2) Employees Schedule Time Off With Sergeant/Supervisor

Allegation #2 5.001 Standards and Duties (14.) Employees Obey any Lawful Order Issued by a Superior Officer

The complainant alleged that the Named Employee (NE) did not follow written instructions on how to ask for time off and she did not show up for her shift on June 11, 2016, without proper authorization. The NE was placed on a mentoring plan with explicit instructions requiring her to contact specific supervisors at the precinct should she want to request time off. She was presented in person with the mentoring plan by one of those supervisors. He explained the plan and its requirements to the NE and she told that supervisor she understood. On June 11, 2016, the NE asked the Sergeant, who was not one of the specific supervisors from whom she could request leave, for permission to take off her entire shift on the night of June 11, 2016. The Sergeant told the NE that because of staffing levels, she could have the first four hours off, but would need to come in for the second half of that shift. The NE stated she understood.

The NE did not follow the mentoring plan presented to her by her supervisor. She failed to contact him or any of the listed supervisors regarding requesting the night off. Instead, the NE contacted a different supervisor, the Sergeant, and requested time off. This was in direct contradiction to a clear order given to the NE both in writing and in person, verbally. On June 11, 2016, the NE did not come to work. She did not even work the four hours the Sergeant had told her she must work. The NE did not contact any supervisor to inform them that she would not be at work that evening.



During her OPA interview, the NE said she must have misunderstood the Sergeant and believed she had the entire night off. The NE said that she did not understand the requirements of the mentoring plan and that it had never been explained to her. The Sergeant stated in his OPA interview stated he was very clear when he spoke with the NE that she only had the first four hours off. The Sergeant told OPA there was no confusion. In his OPA interview, the NE's supervisor said he explained the mentoring plan in person to the NE on at least three occasions and that the NE was very clear about what she required to do when she wanted to request time off. The supervisor told OPA that, on previous occasions when she wanted time off, the NE sent him a text requesting the time off and thus had demonstrated she understood what was required of her. OPA reviewed the mentoring plan for the NE. It is written in a manner that is very easy to understand and the expectations are not complicated.

Based on the Sergeant's unequivocal statement that the NE clearly was told and understood she was only authorized for four hours off on June 11, 2016, and the evidence showing she failed to work at all that shift, I recommend a Sustained finding for Allegation #1.

Based on the supervisor's statement that he presented the NE with the mentoring plan, that he explained it to her on more than one occasion, that the instructions contained in the mentoring plan are simple and clear, and the fact that the NE has previously complied with the instructions contained in the mentoring plan, I recommend a finding of Sustained for Allegation #2.

Recommended Finding for **Allegation #1: Sustained.**

Recommended Finding for **Allegation #2: Sustained.**