



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 12, 2019

CASE NUMBER: 2018OPA-0806

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Inconclusive)
# 2	5.120 – Off-Duty Employment 5.120 – POL – 2 Restrictions on Off-Duty Employment	Not Sustained (Inconclusive)

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:

An Anonymous Complainant alleged that the Named Employee violated City and Department policies when she scheduled off-duty jobs for a personal business during her shift.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

OPA received an anonymous complaint that alleged that Named Employee #1 (NE#1) operated a personal business – specifically, a company that schedules off-duty jobs, during City time. The Complainant contended that this was believed to be the case because the Complainant had been discussing prospective jobs with NE#1 while NE#1 was listening to and responding to her radio. If true, this would constitute a violation of City and Department policies and would, thus, be contrary to SPD Policy 5.001-POL-2.

When asked about this allegation at her OPA interview, NE#1 denied engaging in this conduct. She stated that her husband, a retired SPD officer, owned the off-duty business. She told OPA that her husband runs the operational side of the business while she handles the scheduling. She said that she would usually do the scheduling on Friday nights or Saturdays when she was not on shift. She stated that she had, however, scheduled during lunch breaks. She asserted that it was not inappropriate to have done so while on break.

The evidence is insufficient to conclusively establish that NE#1 scheduled off-duty jobs for a personal business while on her shift. Moreover, given that NE#1 stated that she would at times schedule during her lunch break, it is possible that she left her radio on during that time and that this is what the Complainant was referring to. Under these circumstances, this would not have constituted a violation of policy.

Ultimately, however, the evidence available does not prove or disprove this allegation. As such, I recommend that it be Not Sustained – Inconclusive.



Recommended Finding: **Not Sustained (Inconclusive)**

Named Employee #1 - Allegation #2

5.120 – Off-Duty Employment 2. Restrictions on Off-Duty Employment

SPD Policy 5.120-POL-2 provides restrictions on off-duty employment. Relevant to this case, SPD Policy 5.120-POL-2(3) states that “employees may not work any off-duty employment while on-duty,” while SPD Policy 5.120-POL-2(4) instructs that “employees will not solicit off-duty work while on-duty.” If the Complainant’s allegations were true, NE#1 also would have violated this policy. However, for the same reasons as set forth above, there is insufficient evidence to prove or disprove that NE#1 engaged in such conduct.

As such, I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**