



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 22, 2016

CASE NUMBER: 2016OPA-0341

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	4.010 - EMPLOYEE TIME OFF 2. Employees Schedule Time Off With Their Sergeant/Supervisor	Sustained
# 2	1.075 - Failure to Complete Required Training 2. Employees Shall Promptly Notify Their Immediate Supervisor and the Education & Training Section When and Why	Not Sustained (Inconclusive)

Imposed Discipline

12 day suspension

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:

OPA received a complaint submitted by a Department Lieutenant. He stated that the NE failed to appear for her scheduled shift as a 3'd Watch Relief Clerk at the South Precinct on 3/27/16 (Easter day). The Lieutenant said that the NE failed to contact a supervisor to advise that she would not be at work. A Sergeant attempted to contact the NE via phone to determine her whereabouts but he was only able to leave a message.

The following day (3/28/16), the NE had mandatory Rapid Intervention training, but she failed to attend. The Sergeant was notified by the training unit that the NE did not show up for training. Reviewers should read the OPA Investigative Summary and read the OPA statements for additional information.

ANALYSIS AND CONCLUSIONS:

Allegation #1:

Employee Time Off: Employees Schedule Time Off with Their Sergeant/Supervisor 4.010 (1) *Effective 09/18/13*

The complainant alleged that the Named Employee (NE) failed to show up for her scheduled shift and had no prior approval or other valid reason to not be at work. The preponderance of the evidence from this investigation shows that the NE did miss work for one shift. The NE did not have prior approval from her supervisor to be on leave that day and she did not notify her supervisor she was sick. The NE told OPA she was confused and thought the day was a City Holiday, which would exempt her from work that day. This explanation lacks credibility as that day (Easter Sunday) has never been a City Holiday and the evidence shows the NE worked that day in the past. Nonetheless, even if the NE was confused as to the status of that day as a City Holiday, the fact remains she was scheduled to work, had no approved reason not to be at work and did not show up for work. For these reasons, I have recommended a finding of Sustained for this allegation.



Allegation#2:

Failure to Complete Required Training: Employees Shall Promptly Notify Their Immediate Supervisor and the Education and Training Section When and Why They Are Unable to Attend a Required Training for Which They Are Registered. 1.075 (2) *Effective 08/01/2015*

The complainant alleged that the NE failed to show up for scheduled training or notify her immediate supervisor and ETS of her inability to attend training, along with the reason why. The preponderance of the evidence from this investigation shows the NE failed to attend a mandatory training session for which she was scheduled. However, there is no preponderance of the evidence to either prove or disprove that the NE notified her supervisor and ETS. For this reason, I have recommended a finding of Not Sustained (Inconclusive) for this allegation.