



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 1, 2019

CASE NUMBER: 2018OPA-0766

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer	Sustained

Imposed Discipline

Written Reprimand

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:

It was alleged that the Named Employee failed to appear for work after receiving a lawful order to do so.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer

Special Order SO 18-035 and Revised Special Order 18-035a were transmitted to SPD personnel on July 4, 2018 and July 28, 2018, respectively. These orders contained lists of officers who were scheduled for a mandatory assignment at the 2018 Seafair Hydroplane event, which ran from August 3, 2018 through August 5, 2018. Named Employee #1 (NE#1) was included on the list of officers assigned to work on August 5, but he did not appear for his assigned shift and was marked as a “no show.”

During NE#1’s interview with OPA, he stated that he did not see his name on the first list of employees that were ordered to work during the special event. He told OPA that he did not read the second list, even though he confirmed that he received it via email. He stated that, on the morning of the special event, he was called by another officer who told him he was late for his shift. NE#1 recounted that he told the officer that he was not sure that he was actually on the list. NE#1 informed OPA that the officer said that supervisors were calling his name. NE#1 stated that he understood this to mean that the Department was looking for him because he was wanted at work. NE#1 also said that he told the officer that he was too far away and would not be coming in. NE#1 told OPA that, at the time, he lived approximately 30 minutes outside of Seattle. He acknowledged that this was not an unreasonable distance away and that he still could have traveled to Seattle. He stated that he “had already had some stuff planned that day, and the event had already started.” He confirmed, however, that there were no emergencies that prevented him from attending work.

SPD Policy 5.001-POL-15 requires that Department employees obey any lawful order issued by a superior officer. The failure to do so constitutes insubordination.



NE#1 was ordered to appear at work on August 5. This order was emailed to him; however, he stated that he failed to read the email. Failing to read an email is not an excuse, particularly given that regular review of Department email is required by SPD policy. Even if NE#1 did not read the email, he was informed by another officer that he was scheduled to work, that he was late for his shift, and that supervisors were looking for him; however, he still did not go into work. This was the case even though he was only 30 minutes away and had no articulable reason why he could not drive into work except for that he had “some stuff planned.”

Ultimately, NE#1 did not have any legitimate reason why he did not comply with the lawful and mandatory order that he work on August 5. As such, when he failed to attend work on that date, he engaged in insubordination. Accordingly, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**