



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 21, 2018

CASE NUMBER: 2018OPA-0745

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	Not Sustained (Training Referral)

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:

The Complainant alleged that the Named Employees failed to report for a mandatory work assignment on August 3, 2018, as mandated by a Special Order.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

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.

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 mandatory assignment for 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 3, but he did not appear for his assigned shift.

During NE#1’s interview with OPA, he stated that he volunteered in advance to work the Seafair event on August 3, but he forgot about doing so and failed to show up for his assigned shift that day. NE#1 explained that he realized he forgot about having volunteered for the August 3 shift when a representative from his union phoned him to ask his whereabouts. NE#1 informed the union representative that he forgot about his assigned shift, and that the only way he would be able to make it to work was if he was able to quickly locate a babysitter for his daughter; however, he was unsuccessful in doing so. NE#1 stated that he believes he read the initial July 4 email that contained the Special Order associated with his August 3 assignment, but that he never read the July 28 email that contained the revised Special Order. This revised Special Order also included his August 3 mandatory assignment. In explaining why he never read the July 28 revised Special Order email, NE#1 stated that he was on military leave from July through July 26 or July 27 and after he returned to duty with SPD, he “never actually paid attention to any specific emails.” NE#1 added that between his military assignment and return to SPD, August 3 was actually his first day off from work in four weeks. As a result, NE#1 completely forgot that he volunteered for the August 3 assignment.



While OPA concludes that NE#1 violated policy in this instance, OPA credits NE#1's assertion that he did not do so knowingly and intentionally. Instead, OPA finds that NE#1 made a mistake that is better corrected by retraining than a Sustained finding. As such, OPA issues NE#1 the following Training Referral.

- **Training Referral:** NE#1 should receive additional training concerning SPD Policy 5.001-POL-15 and, specifically, concerning how the policy pertains to the Special Order issued in this case. NE#1 should also receive additional training on his responsibilities under SPD 12.110-POL-6, which concerns the use of Department email. Since this issue would have been completely avoided had NE#1 paid appropriate attention to his emails, his training should focus on how to better manage his daily email inbox. Lastly, NE#1's chain of command should counsel him concerning this matter and ensure that he complies with these policies and similar Special Orders moving forward. This retraining and associated counseling should be documented and that documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**