

1 yr abeyance



Susan Pamerleau  
Sheriff  
Bexar County, Texas

Employee  
dismissed -  
Violated  
agreement.

**NOTICE OF PROPOSED DISMISSAL**

TO: Deputy Crystal G. Gomez, Badge#1508, Empl. #34495, 3<sup>rd</sup> Detail/Annex  
DATE: April 28, 2016

You are hereby notified that the Bexar County Sheriff's Office is proposing to dismiss you from the position of Detention Deputy.

Your discharge is GENERAL and you are being terminated in relation to your misuse/abuse of leave which is a documented performance problem and was not because of a reduction in workforce or an at-will employment decision.

You have violated the Bexar County Sheriff's Civil Service Rules, said rules having been adopted on March 14, 1985 and thereafter from time to time amended by the Bexar County Sheriff's Civil Service Commission. The particular civil service rules violated by you are as follows:

**CHAPTER V - LEAVE POLICIES**

**5.07 Misuse/Abuse of Leave**

Misuse or abuse of leave, especially falsification of documents or verbal misrepresentation of facts, may be subject to disciplinary action to include termination.

**Chapter IX, Section 9.02:**

- A. Absence Without Leave - Absence Without Leave is an absence from duty which is not authorized or for which a request for leave has been denied.
- B. Poor Attendance - Excessive absence and/or tardiness.
- F. Misuse of leave privileges.

In addition to the following violation(s) of the Bexar County Sheriff's Office Manuals of Policy and Procedures, Paragraph(s):

**4.06 ATTENDANCE**

- A. Regular attendance at work is extremely important and is a factor when an employee is considered for promotion. Each employee is expected to be at work each day unless the employee is ill or otherwise unavoidably prevented from reporting for work.

If an employee must be absent for other than pre-planned vacation, compensatory time, or such other absence, it is necessary that the employee personally calls his/her supervisor at least one (1) hour before the employee is scheduled to report for work.

B. While at work at the Sheriff's Office, employees receive compensation from the County of Bexar for work they perform. Therefore, it is expected that the entire workday be devoted to conducting official business. Employees should arrange their affairs so that personal business can be conducted after normal working hours or on relief days. Should it be necessary for an employee to take time off during their regular duty hours for important personal reasons, the employee must first obtain the consent of their supervisor.

#### **5.60 ILLNESS OR INJURY**

A. No employee of the Sheriff's Office shall feign illness or injury, nor shall they attempt to deceive another employee of the Sheriff's Office as to their real condition. Any employee who becomes sick or injured while on duty must immediately notify their supervisor. Likewise, if an employee is unable to report for work due to sickness or an injury, they must immediately notify their supervisor. Employees, while away from work due to illness or injury, will remain at either their residence or place of medical confinement, unless it is necessary for them to go to a doctor, hospital, or pharmacy. In the event it becomes necessary for an employee to stay at some location other than their residence, the employee must notify their supervisor who shall insure that the new temporary address is made a matter of record.

**The specific reason(s) for this disciplinary action is as follows:** A review of your attendance record for the past 30 days revealed that your attendance has continued a pattern of misuse of leave/abuse. By failing to report for work when you have no available sick leave you are invoking a leave privilege to which you are not entitled.

You have called in sick on the following days:

-----Relief Days-----  
Saturday and Sunday

Friday, March 18, 2016  
Friday, March 25, 2016  
Friday, April 8, 2016  
Friday, April 15, 2016  
Wednesday, April 20, 2016  
Thursday, April 21, 2016

**TOTAL: 48 HOURS**

When you are absent from duty and repeatedly call in sick, it causes a strain on the department and your fellow employees are forced to cover your assigned duty station. Numerous attempts have been made to correct your pattern of habitual sick leave abuse. You have been progressively warned, counseled, disciplined and given the opportunity to personally discuss your violations and options to correct your behavior however, you have continued your blatant disregard for your attendance, your employment, your fellow employees and the department as a whole.

Your continued failure to report for duty when scheduled is unacceptable behavior and will not be tolerated by the Sheriff's Office.

**PRIOR WRITTEN COUNSELINGS AND DISCIPLINARY HISTORY:**

You have a lengthy history of prior discipline and have consistently been charged with similar violations of the Civil Service Rules and Sheriff's Office Policies and Procedures as follows:

1. On April 5, 2016, you were served with a Notice of Proposed 40 Day Suspension for Poor Attendance and Misuse of Leave Privileges.
2. On February 2, 2016, you were served with a Letter of Reprimand for failure to stay for Mandatory Overtime.
3. On December 12, 2015, you were served with a Letter of Counseling for being Late for Duty.
4. On December 8, 2015, you were served with an Agreed Order of Twenty (20) Day Suspension for Misuse/Abuse of Leave.
5. On July 17, 2015, you were served with an Agreed Fifteen (15) Day Suspension for Poor Attendance and Misuse of Leave Privileges.
6. On May 29, 2015, you were served with an Enactment of Ten (10) Day Suspension for Poor Attendance and Misuse of Leave Privileges.
7. On April 9, 2015, you were served with an Enactment of Five (5) Day Suspension for Poor Attendance and Misuse of Leave Privileges.
8. On April 21, 2015, you were served with a Letter of Reprimand for failure to call in within the require time.
9. On February 4, 2015, you were served with a 2<sup>nd</sup> Letter of Reprimand for Poor Attendance and Misuse of Leave Privileges.
10. On January 14, 2015, you were served with a Letter of Reprimand for Poor Attendance and Misuse of Leave Privileges.
11. On May 14, 2014, you were served with an Enactment of Seven (7) Day Suspension for Misuse of Leave Privileges.
12. On May 13, 2014, you were served with an Agreed Enactment of Seven (7) Day Suspension for Poor Attendance and Misuse of Leave Privileges.
13. On October 4, 2013, you were served with a Letter of Reprimand for Misuse of Leave Privileges.
14. On August 25, 2012, you were served with an Enactment of Five (5) Day Suspension for Absence without Leave and Insubordination.
15. On March 22, 2012, you were served with a Letter of Reprimand for Attendance and Absence Reporting.

**Persons with knowledge of this incident:**

Deputy Chief Raul S. Banasco, Jail Administrator  
Deputy Chief Louis Quinones, Assistance Jail Administrator  
Deputy Chief Henry Reyes, Assistant Jail Administrator  
Captain Brian Barabasz, Shift Commander  
Captain Ruben Vela, Shift Commander

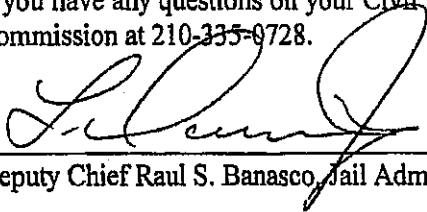
Lt. Edward B. McCrea, Assistant Shift Commander  
Lt. Eva Adams, Assistant Shift Commander

You are to immediately surrender all Department issued property, such as your duty weapon (if applicable), badge, official identification, magnetic key card, and building key(s) to the serving authority. Be advised that until further notice, access to all areas of the Sheriff's Office is strictly prohibited. Access to the building for administrative purposes must be specifically authorized by me or the Sheriff's Office Administration and will be coordinated through the Main Entrance.

Accordingly, all work permits, etc. are suspended. If you should have any questions, you may contact Sheriff's Administration. Be advised you are hereby placed on Administrative Leave Without Pay. You may request through this office (in writing) that any or all of your accumulated compensatory time, annual leave or personal leave be applied during the grievance process.

Additionally, be advised that pursuant to the Loudermill requirements, you may grieve this Notice of Proposed Dismissal to the undersigned in person or in writing, to explain or countervail said specific charges. Your written response, if submitted, must be received and time stamped by Sheriff's Administration no later than the fifth (5<sup>th</sup>) business day following receipt of this document.

If you have any questions on your Civil Service Rules and rights, you may call the Civil Service Commission at 210-335-9728.



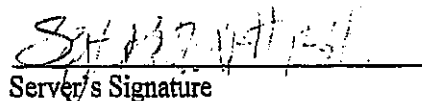
Deputy Chief L. Quinones

FOR

Deputy Chief Raul S. Banasco, Jail Administrator

The foregoing Notice of Proposed Dismissal was served upon Crystal Gomez on April 29, 2016.

By:

  
Server's Signature  
Employee's Signature

1) Original -HR file 2) Employee 3) Section file