

Reduced to 3 days

9-4-16

6120



Susan Pamerleau
Sheriff
Bexar County, Texas

Approved

Date

[Signature]
6/8/16

NOTICE OF PROPOSED SUSPENSION

EMPLOYEE: Michelle Garcia #1719, 1st Detail, Annex

DATE: Monday, June 06, 2016

You are hereby notified that the Bexar County Sheriff's Office proposes to suspend you without pay for a total of 5 days from the position of Detention Officer for violation of the following subsection(s) of Paragraph 9.02 of the Rules of the Bexar County Sheriff's Civil Service Commission:

- C. Insubordination – Unwilling to submit to authority**
- O. Conduct or action that would seriously impair job effectiveness**
- P. Conduct which has proven to be detrimental or has an adverse effect on the department**

And violation of the Bexar County Sheriff's Manual of Policy and Procedures, Detention Manual of Policy and Procedures subsection(s)

5.02 Performance of Duties

- A. - During the performance of their assigned duties, an employee shall carry out their assigned duties in a manner designed to represent the Sheriff's Office in the best possible way.
- B. An employee shall not:
 - 1. Display reluctance on their part to properly perform their duty;
 - 2. Act in a manner which would tend to bring discredit upon themselves or the Sheriff's Office as a whole;
 - 3. Fail to assume the necessary responsibility; or
 - 4. Fail to exercise diligence, proper demeanor, intelligence, and interest in the pursuit of their duties.
- C. All employees are expected to perform all duties placed upon them by competent authority within the Sheriff's Office. The chain of command is described in this Manual, with the ultimate authority resting with the Sheriff.

5.03 Obedience

- A. Deputy Sheriffs and employees shall strictly obey and properly execute any lawful order or instruction emanating from their supervisors or ranking Deputy Sheriffs. To defy the authority of any supervisory officer by obvious disrespect, disputing orders, or failing to or deliberately refusing to obey any lawful order given shall be considered as insubordination. No supervisory officer shall knowingly or willfully issue any order which is a violation of any law, ordinance, or a Sheriff's Official rule or regulation. Should any subordinate receive an order which conflicts with a previous order from another supervisory officer or with any rule or regulation of the Sheriff's Office, the receiving officer shall respectfully call attention to the conflict. If the current supervisory officer giving the conflicting order does not modify their order to eliminate the conflict, the order shall stand and the responsibility shall rest with the supervisor. Such matter should then be brought to the attention of the Sheriff through the chain of command.

✓ 16-220

5.24 Conduct Unbecoming an Officer

A Deputy Sheriff shall always conduct himself/herself in a manner which reflects most favorably on the Sheriff's Office, whether in a on duty or off-duty status. Unbecoming conduct includes unjustified behavior which brings the Sheriff's Office into disrepute, discredits a member of the Sheriff's Office, impairs the operation of the Sheriff's Office, or has an adverse effect on the Sheriff's Office.

6.04 Reporting for Duty

Employees of the Sheriff's Office shall punctually report for duty or present themselves at the time and place so specified by proper authority. They shall be properly uniformed or dressed, possess the proper equipment needed, and arrive prepared to carry out the duty assigned.

The specific reason(s) for this action: On Friday, May 6, 2016, at approximately 1400 hours, you were given appropriate notice by me, Captain Avery D. Walker that you are needed at the Annex to properly staff a female housing unit; you were advised that upon being properly relived you were to report to unit 4B.

You replied, "No I don't want to do that can't I go somewhere else?" When advised that training was being conducted in 1E, 3B and the corridors were being staffed by SERTT and other MOT personnel to include medical security you further stated, "I do not want to work there" to which I replied ok, I can send you to 7A to which you replied, "No, I don't want do that either, I'm not going to stay; according to the memo by Chief Quinones I get to choose where I work."

At approximately 1600 hours, you reported to the Shift Commander's Office and gave me your written report which was inconsistent with the conversation we had. I instructed you to rewrite the report and include the comments that you made over the phone of which your current report did not reflect.

At this time, you left and did not return with the corrected report, and still have not submitted a corrected version as instructed while continuing to refuse and properly execute a lawful order or instruction emanating from your supervisor or ranking Deputy Sheriff.

Other persons who have knowledge of this incident include: Deputy Chief Louis Quinones, Sergeant Jessica Sanchez #4030, Lieutenant Evelyn Wiggins #1101, Lieutenant Sandra Eickenroht #1501, and Lieutenant Eva Adams #4301.

Corrective Action Required: In the future, you will conduct yourself in a professional manner and adhere to all departmental policies including those cited above. Being insubordinate, disobedient, displaying inappropriate conduct; and failing to report for duty and take responsibility for of your assigned post is not acceptable and will not be tolerated.

Previous corrective action: None

Be advised persistence in this type of behavior which resulted in this Notice of Proposed Suspension may result in additional disciplinary action to include termination from the Bexar County Sheriff's Office.

You are advised that you may respond to this Notice of Proposed Suspension to the undersigned, in writing, to explain or countervail said specific charges. Your written response, if submitted, must be received and time stamped no later than the fifth 5th 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 335-2688.



Captain Avery D. Walker #1700,
ODA/Shift Commander 2nd Detail, Annex

The Foregoing Document was served upon Michelle Garcia #1719 on JUNE 11, 2016 at 1310 hours by:

LT Sandra Eickennhr

Printed Name/Badge of Server

LT Hunt 1501

Signature of Server

I acknowledge receipt of this Document:

REFUSED TO SIGN

Signature of Employee

LT Eickennhr 1311
LT GREG T. MACIE 1311

Distribution: Original: 1) Personnel File

Copy: 2) Employee

3) Section File

RECEIVED
JUN 11 2016
1310