

(b)(6)

Case number

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Re: Response to Proposed Fourteen (14) Calendar Day Suspension

I am writing this response to indicate that there were mitigating issues that were involved in both issues. I feel that it is necessary to mention only briefly that there is a history between another EBDO that has been mentioned. There is also a reference to the incident from last year. Briefly that incident occurred when as a POC, I was given time off, annual leave at 1030, two hours prior to the end of the shift. Prior to leaving I turned everything over to the then STSM. I was not aware that he did not appoint another POC for the remainder of the shift. I was under the impression from this meeting that all paperwork would be filled out, especially since I could not complete the paperwork for the shift since I was leaving prior to the end of the shift. I was informed later that afternoon that the paperwork had not been completed and volunteered to return to work and complete the paperwork and was told by the STSM that would not be necessary and that it could just be completed in the morning. The only paperwork that was not completed was the playbook submissions and the Declaration of hours. I was later wrote up for this incident.

In this particular incident, Charge 1: Failure to follow Standard Operating Procedures (SOP). The duty of the paperwork as stated in all of the paperwork is that it is the POC duty to complete the paperwork, however this is not the case. This task has now switched to BDO's who are on their Friday. On July 24th, the day of the incident, this was EBDO (b)(6) Friday.

I noticed that the paperwork had not been done and attempted to hurry up and do the paperwork. I did not want to call back EBDO (b)(6) back to complete the paperwork and have an already tense situation escalate even further. As I mentioned in my statement, I do not remember printing the paperwork. I do remember completing the paperwork. I am aware of the statements written by EBDO (b)(6), and with his statements I can only say that I did complete them.

Most of the BDO's who enter information onto I-Share for the forms that we complete are aware that problems do exist with the program at times. Sometimes things are saved, sometimes they are not. Sometimes we can print things and sometimes we cannot. This problem is well known within the department.

In the last several months I was responsible for completing the FTE for the department. There was not one time while completing the FTE that there was not problems with the information completed on the DOH (Declaration of Hours) forms. There were days where the information was not on the form, we were able to find a hard copy, but there was no information for a particular day or days. Everyone who has worked on the FTE is aware of the problem with the paperwork, I have even mentioned these problems to STSM Gonzales. There has been a long standing problem between the printers and computers within the department for some time now.

In reference to Charge 2: Inappropriate Conduct. As I have stated, and not disagreeing with, I did sit down, I did inadvertently light a cigarette and realizing that I had lit it, put it out and continued with the remainder of the play to which I was assigned. STSM Gonzales indicated that we only put the cigarette out because we had seen her, I was not even aware that it was STSM Gonzales who was in the car. The car was not known to me, I was aware that STSM Gonzales drove a Jeep Wrangler with a Hardtop. This was a small car and I could not even see the driver clearly, and the only reason that I waved back was because someone was waving at me.

The main reason that I sat down was because my knees and hips were hurting. Yes we had been talking about lunch and what we were going to be doing for lunch. When I was asked for a cigarette, I kept them in my sock at the time, I had to sit down in order for me to get them out.

In the Penalty Factors Worksheet, particularly number 11;

Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter. What consideration was given to this factor?

No mitigating factors.

I believe that there were several factors that could have been taken into account. Several times it was stated that ongoing problems with another BBDO, problems with the computer and the fact that every single person within the BDO department is well aware of ongoing issues with my knees. I have already had major knee surgery since becoming a BDO. I have gone back to my orthopedic specialist and have been informed that other than knee replacement there is nothing left that can be done for me. I have not wanted to make an issue out of this for fear of being placed on Light Duty and not being able to continue being a BDO. STSM Gonzales is aware of all of these and I am not sure why this was not at least mentioned or taken into consideration.

I would like for these mitigating circumstances to be taken into consideration with the possibility of reducing/removing the suspension. I was very surprised to see that people believe that my rehabilitation is limited and that no alternative action would be effective in deterring BBDO (b)(6) misconduct in the future. I do not believe that is that case, and would like to be able to prove that.

Thank you for your time and your reconsideration in this matter.

(b)(6)

10/22/12