

Original (send to [redacted] nnel) Dept. File copy Employee copy Dept. Control copy

**CITY OF PHOENIX
PERSONNEL DEPARTMENT**



**DISCIPLINE NOTICE
(CLASSIFIED EMPLOYEE)**

Instructions: Complete boxes 1 through 17. Leave shaded areas blank. Keep copy for department control. Take original to Law Department and Personnel Department for signatures in boxes 18 through 20. After serving employee, fill out boxes 21 through 23 and make two copies; one copy for department and one copy for employee. Send original and department copy to Personnel Administration for processing.

EMPLOYEE DATA

1. NAME (Last, First, Middle) Flanders, Daniel F		2. Emp ID [redacted]	3. CLASS CODE # 62210	Incident # -
4. FLSA STATUS Nonexempt	5. CLASS TITLE Police Officer	6. DEPARTMENT # B2031	7. DEPARTMENT Police Dept: South Mount Preont	
8. EMPLOYEE'S HOME ADDRESS [redacted]		MAILING ADDRESS [redacted]		

DISCIPLINARY ACTION

9. DATE APPOINTED TO PRESENT CLASS 02/24/2003	10. DATE HIRED BY CITY: 10/14/2002
11. DISCIPLINE TYPE Suspension Number of work hours and days suspended: 180 hrs / 18 days	
12. EFFECTIVE DATE: From: <u>10/22 - 10/31</u> / <u>11/11 - 11/17</u> / <u>11/25 - 11/30</u> / <u>12/1 - 12/12</u> / <u>1/6/06 - 1/7/06</u> Thru:	
13. EMPLOYEE STATUS IN PRESENT CLASSIFICATION: Regular (completed probation); ENTITLED TO APPEAL RIGHTS	

14. EXPLANATION OF ACTION AND REASON(S) FOR DISCIPLINE (SEE ATTACHED)

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ENDORSEMENTS

15. Supervisor Sgt. <u>A. Mulligan # 5698</u>	16. Division Head <u>[Signature]</u>	17. Department Head <u>[Signature]</u>
18. Law Dept. <u>[Signature]</u>	19. Personnel Dept. <u>[Signature]</u>	20. City Manager (Delegated to Dept Head) <u>[Signature]</u>
21. SERVICE OF NOTICE: Personally <u>10/17/05</u> Date Served By Whom: <u>Sgt. S. Mulligan # 5698</u>		22. Employee Signature <u>Daniel Flanders</u>
24. APPEAL PROCEDURES: SEE PAGE 2		23. Certified Mail, return receipt requested Date Mailed: _____ Certified Mail Receipt# _____

25. CIVIL SERVICE BOARD

4. I understand and agree that if I successfully complete the treatment mentioned above but in the future demonstrate conduct serious enough to warrant formal discipline, the City may take this agreement into consideration in determining the appropriate discipline.

 JA Employee's Initials

5. I further understand and agree that failure to successfully complete the requirements of the treatment program and after care program including any follow up drug and/or alcohol tests, failure to submit to drug and/or alcohol tests, failure to sign release forms, or testing positive on any drug and/or alcohol test, will result in termination of my employment with the City of Phoenix. An alcohol test will be considered positive if it is a .02% or greater Breath Alcohol Concentration (BAC).

 JA Employee's Initials

6. Employee has had the opportunity to review this document with the labor association representative or the attorney of his/her choosing.

 JA Employee's Initials

7. I understand and accept that this agreement will remain in effect for five (5) years from the date of my signature below.

 JA Employee's Initials

SIGNATURES:

 [Signature]
Law Department

Date

 [Signature]
Human Resources (HR) Department

Date

 [Signature]
Employee

Date 2/9/12

 [Signature]
Department Head (or designee)

Date

 [Signature]
Department HR Liaison

Date

 [Signature]
Employee Representative

Date

APPEAL PROCEDURES

The requirements for filing a request for an appeal before the Civil Service Board are outlined in Personnel Rule 22, and are summarized here.

Time Limit on Submitting and Requesting an Appeal

- ✓ If an eligible employee is served in person with a discipline notice regarding his/her suspension, demotion, or dismissal, the employee must submit a request for a hearing to the Civil Service Board no later than fourteen (14) calendar days (including weekends and holidays) from the date of service.
- ✓ If an eligible employee is not served in person with a discipline notice, but instead the discipline notice is sent to the employee by certified mail, a request for a hearing must be submitted to the Civil Service Board no later than twenty-one (21) calendar days (including weekends and holidays) from the date the discipline notice was mailed to the employee.
- ✓ Failure to submit a request for a hearing by the applicable deadline as set forth above shall result in the employee forfeiting his/her right to a hearing, and the disciplinary action taken shall be final with no further ability for the employee to appeal.

How to Appeal and Request a Hearing

- ✓ A request for a hearing must be in writing.
- ✓ The written request must be addressed to the Civil Service Board and be personally delivered to the Board or deposited in the United States mail, certified, return receipt requested, postage prepaid, addressed to the office of the Civil Service Board, Attention: Personnel Department Administration, 135 North 2nd Avenue, Phoenix, AZ 85003, within the time frame mentioned above. Only appeal letters received at this address will be considered valid.

What Should be Included in a Written Request for a Hearing

- ✓ The appeal should state the employee's specific disagreements with the allegations in the discipline notice.
- ✓ The appeal should also mention whether the employee would like the hearing to be conducted as a public or private hearing before the Civil Service Board.
- ✓ The appeal should include whether the employee will be representing himself or herself or whether someone else will be his/her representative before the Civil Service Board.
- ✓ The employee's signature must appear on all appeal requests, including cases where the employee will be represented by another person. If an employee is represented by another person, the appeal letter must include the name, address, and telephone number of the employee's representative.

What Happens Next?

- ✓ The employee shall immediately file copies of the appeal letter with his/her department head and the City Attorney.

*If you have questions on filing an appeal,
please call the office of the Civil Service Board at 602-262-6609.*

Suspension 2005-54 Police Officer Daniel Flanders # 7811

Pursuant to the provision of Personnel Rule No. 19, you are hereby notified that you are suspended, without pay, for one hundred eighty (180) working hours for violations of Personnel Rules Nos. 21b1, 21b2, 21b3, and 21b18; Operation Orders 1.5.3C, 1.5.4.F, 3.13.6.A, 3.18 Addendum A, 3.B. (3) (g), 3.18 Addendum A.3.E (1) (f), and 3.18 Addendum A, 4.B.

This is a result of an incident that occurred on November 6, 2004 when you struck a subject in the back of the head two times with your flashlight and omitted this fact when questioned by a Sergeant later that day. On 11-6-04, at approximately 2:09 AM, you responded to a non-injury hit and run accident at 8th Place and Broadway. A witness to the accident directed you and other officers to a residence at [REDACTED] where the suspect vehicle was located. Inside this residence there were several subjects sleeping on the floor, and you realized there was an individual in one of the bedrooms. This subject refused to leave his bedroom after you instructed him to come out, which led to a struggle. During the ensuing struggle, you struck the subject twice on the back of the head with the lens of your flashlight. Due to the size of the room and numerous objects scattered around, the subject and another officer fell to the ground during the struggle. When the subject was lifted from the ground, blood was noticed coming from his right forehead. There was a small stool next to the bed where he fell. Later, examination of the stool and area led investigators to believe he hit his head on this stool when he fell. The subject was taken to the hospital where he received 14-16 stitches.

When a Police Sergeant arrived at the scene, you explained the incident to him, omitting you used your flashlight as an impact weapon on the subject. Your supervisor contacted you later in the shift in reference to the incident. At which time you explained the incident and again omitted your use of an impact weapon.

On December 14, 2004, you authored a memorandum reference the incident. In this memo you admitted the use of the flashlight as an impact weapon. You were interviewed by your supervisor on January 14, 2005, you admitted you omitted your use of a flashlight as an impact weapon when questioned, because you thought you would get into trouble.

Your actions violated the following Operation Orders:

O.O. 1.5.3.C., "All sworn employees will immediately verbally report excessive force to a supervisor."

Suspension 2005-54 Police Officer Daniel Flanders # 7811

O.O. 1.5.4.F., Intermediate Control Techniques; "Officers will not purposely strike or jab suspects with a flashlight on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation."

O.O. 3.13.6.A., "Employee Truthfulness"

O.O. 3.18 Addendum A.3.B.(3)(g), "Improperly striking another person with an impact weapon."

O.O. Addendum A.3.E.(1)(f), "Untruthful verbal report (not related or in response to questioning pursuant to a criminal or internal investigation).

O.O. 3.18 Addendum A.4.B., "Failure to report an on or off-duty use of force incident to a supervisor (to include SIT) will result in disciplinary action equal to the classification level of unauthorized use of force."

The Police Department, in determining the length of this suspension, considered your disciplinary and performance history. Any future infraction will result in further disciplinary action, up to and including dismissal.

Details of the investigation are available to the employee by written report, SI 04-0335, given prior to the scheduling of the Disciplinary Review Board.