

☐ Original (to Human Res.)☐ Dept. File Copy☐ Employee Copy☐ Dept. Control Copy

**CITY OF PHOENIX
HUMAN RESOURCES DEPARTMENT**



**DISCIPLINE NOTICE
(CLASSIFIED EMPLOYEE)**

PUBLIC RECORDS
Released pursuant to
A.R.S. 39-121, Et. Seq.

Instructions: Complete boxes 1 through 16. Leave shaded areas blank. Keep a copy for department control. Take original to Law Department and Human Resources Department for signatures in boxes 17 through 19. After serving employee, fill out boxes 20 through 22 and make two copies: one copy for department and one copy for employee. Send original and department copy to Human Resources Administration for processing.

EMPLOYEE DATA

1. NAME (Last, First, Middle) Ramirez, Carl		2. Emp. ID [REDACTED]	3. CLASS CODE # 62210	12572 [REDACTED]
4. FLSA STATUS Nonexempt	5. CLASS TITLE Police Officer	6. DEPARTMENT # B2043	7. DEPARTMENT Police Dept: Cactus Park Precnt	

DISCIPLINARY ACTION

8. DATE APPOINTED TO PRESENT CLASS 01/10/2005	9. EMPLOYMENT DATE 08/30/2004
10. DISCIPLINE TYPE Suspension Number of work hours and days suspended: 24 hrs / 3 day(s)	
11. EFFECTIVE DATE: From: Thru:	
12. EMPLOYEE STATUS IN PRESENT CLASSIFICATION: Regular (completed probation); ENTITLED TO APPEAL RIGHTS	

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

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ENDORSEMENTS

14. Supervisor C.M.M. C. A. 5617	15. Division Head Mary Rob	16. Department Head [Signature]
17. Law Dept. [Signature]	18. Human Resources Dept. Monica [Signature]	19. City Manager (Delegated to Dept. Head) [Signature]
20. SERVICE OF NOTICE: Personally Date Served By Whom	21. Employee Signature [Signature]	22. Certified Mail, return receipt requested 2/14/2020 Date Mailed 7017 2400 0001 1032 8765 Certified Mail Receipt #
23. APPEAL PROCEDURES: SEE PAGE 2		
24. CIVIL SERVICE BOARD		

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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.

By Mail - 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: Civil Service Board, 251 W. Washington Street, 7th Floor, Phoenix, AZ 85003, within the time frame mentioned above. Only appeal letters received at this address will be considered valid.

In Person - Only appeal letters received at this address will be considered valid. Appeals may be personal delivered at the HR Center on the 1st Floor of the Calvin Goode Building, 251 W. Washington Street, Phoenix, AZ 85003.

What Should be Included in a Written Request for a Hearing

If the employee is obtaining a representative, the appeal letter must include the name, address, employee's representative; and the employee's signature.

If the employee is NOT obtaining a representative, the appeal letter must include the employee's name, address, e-mail, and telephone number; and the employee's signature.

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.

What, Happens Next?

The employee (or employee's representative) will be contacted within seven (7) days from receipt of his/her appeal letter to schedule the Civil Service Hearing.

*If you have questions on filing an appeal,
please call the office of the Civil Service Board at [REDACTED]*

In accordance with **Personnel Rule 19a**, you are hereby notified that you are suspended, without pay, for **24 hours/3 days** for violations of Personnel Rules: **21b1** – That the employee is incompetent or inefficient in the performance of his duties; **21b3** – That the employee has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given him by his supervisor, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization, or to result in loss, inconvenience, or injury to the City or the public; and **21b18** – That the employee has been guilty of any other conduct of equal gravity to the reasons enumerated in **21b1 through 21b17**.

You are also in violation of: **Operations Order 4.45.3.B**.- The status of an IR will be kept current by either completing an Incident Supplement or the primary case agent updating the Status code field in the RMS Incident module. **Exception:** Once an IR has been assigned to an investigator, an Incident supplement will be completed to change the following "status" codes: Closed- Cleared, Closed- All Leads Exhausted, Closed- Victim Refused/Declined, Pending- Suspect Contact, Pended- Victim Cont/Info, Submitted to Prosecuting Authority; **Operations Order 4.45.6.B**- All attempts made to identify suspect/s, witnesses, and/or investigative leads, or for other follow-up, will be documented in the Case Management record and/or an IR or Incident Supplement; and **Operations Order 4.45.6.E**- Priority 3 through Priority 5 IRs will have follow-up initiated within 10 working days after receipt and will normally be supplemented within 30 calendar days after receipt by the investigator.

Between June 26, 2017 and November 29, 2017, you were assigned 34 cases in the Record Management System (RMS) which you changed the status in the RMS Incident Module from "Open" to "Pended-Suspect Contact" without completing an Incident Supplement.

The Professional Standards Bureau (PSB) Inspections Unit conducted a Non-Audit Report (NAR) which revealed 34 cases were assigned to you between June 26, 2017 and November 29, 2017. The cases remained in an "Open" status over 30 days, without an Incident Supplement being completed. The NAR revealed two days before you returned to a patrol assignment, you changed the status of the 34 cases in the RMS Incident Module from "Open" to "Pended-Suspect Contact" without completing an Incident Supplement.

During an interview with investigators, you stated you would attempt to contact the victims in your cases right away but did not complete supplements because you were tasked to help on cases that were higher priority. When investigators asked why you did not notify your supervisor you were behind on your cases and needed to be taken out of rotation, you stated all three sergeants in the unit were aware but did not take you out of rotation. You also stated that it was common practice to make sure everything is cleaned up and if anything is open that needs to be done to let them know. You had already contacted the victims, so you pended the cases but forgot to complete the supplements per policy. You acknowledged you were required to author a supplement on a case within 30 days and when you changed status. You also failed to notify your patrol supervisor that you needed to complete Robbery reports.

Your disciplinary history includes a 16-hour suspension, dated March 20, 2014, for querying a citizen's personal information and accessing department reports via PACE for personal reasons; a Written Reprimand, dated June 19, 2014, for on-duty police equipment collision; and a 24-hour suspension, dated June 8, 2018, for interfering with a criminal investigation by utilizing your privileges as a police officer by involving yourself in the criminal investigation of a friend.

In determining the level of discipline, the Police Department considered your disciplinary and performance history. Future infractions may result in disciplinary action up to and including dismissal. Details of the investigation were available to you by written report, **PSB18-0021**. The entire investigation is hereby incorporated into this Discipline Notice by reference.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS
FOR CIVIL SERVICE APPEAL

Employee Name: **CARL RAMIREZ (EMPLOYEE ID # [REDACTED])**
Department: **POLICE DEPARTMENT**
Discipline Imposed: **40-HOUR/5-DAY SUSPENSION**
Effective Date of Discipline: **August 27, 2019**

The City of Phoenix ("City") and **Carl Ramirez** ("Employee") enter into the following agreement in full and complete resolution of Employee's discipline served on August 2, 2019, effective August 27, 2019 through August 30, 2019, and any other claims arising out of Employee's discipline as set forth in the Discipline Notice.

TERMS

1. The City will replace the Discipline Notice served on Employee on August 2, 2019, effective August 27, 2019 through August 30, 2019, with a 24 Hour/3 Day Suspension Discipline Notice, a copy of which is attached as Exhibit A.
2. Employee will receive a check for 16-hours of pay.
3. The City will deem the Discipline Notice served on Employee on August 2, 2019, as a DRAFT document and it will be maintained by the secretary to the Civil Service Board with this agreement attached on top of the notice.
4. The Discipline Notice served on Employee on August 2, 2019, will be removed from the Employee's Departmental and Personnel files. A 24 Hour/3 Day Suspension Discipline Notice will be placed in the employee's Personnel file. Employee cannot grieve the new discipline.
5. Employee understands that by entering into this agreement, he has surrendered all appeal rights to the Phoenix Civil Service Board and will file a motion to withdraw his civil service appeal. Employee further agrees to file his motion to withdraw no later than five business days after the execution of this Agreement.
6. Employee agrees not to seek any other remedy based on any aspect of the imposition of the discipline or the circumstances surrounding it. Other remedies include but are not limited to: grievances and charges filed with the Phoenix Employment Relations Board (PERB).
7. Employee agrees to forever release and discharge the City, the department, and their employees from any and all claims, demands, and suits arising out of the events leading to and encompassed in Employee's discipline.

8. Employee agrees to refrain from any media comments related to both this Agreement and the underlying disciplinary matter. Employee also agrees to refrain from making any postings to social media related to this Agreement and the underlying disciplinary matter. Employee further agrees to refrain from conducting or facilitating any other mass communication(s) related to this Agreement and the underlying disciplinary matter. Employee understands that this Agreement was reached due to the specific, unique circumstances related to his discipline and any related claims, and therefore may not possess significant probative value in any other proceeding(s).

9. Employee understands that the laws of the state of Arizona shall govern this Agreement. Employee further understands and agrees that in any legal proceeding arising under this Agreement, venue shall be Maricopa County, Arizona.

10. Employee understands and agrees that should any provision of this Agreement be declared or determined by any court of competent jurisdiction to be wholly or partially illegal, invalid, or unenforceable, the legality, validity, and enforceability of the remaining parts, terms, or provisions shall not be affected thereby, and said illegal, unenforceable, or invalid part, term, or provision shall be deemed not to be a part of this Agreement.

11. Employee has had an opportunity to review this document with the labor association representative or the attorney of his choosing.


Employee Signature

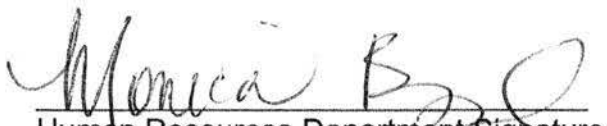
1/23/2020
Date

Cassidy D. Barros for PLEA
Employee Representative Signature


1/23/2020
Date


Department
Representative Signature

2-3-20
Date


Human Resources Department Signature

11/30/20
Date


Law Department Signature

Date

Original: Department Personnel File
Copies: Employee
Department Human Resources Officer Liaison
Human Resources Department/Administration