

Submitted  
6/3/19 J. Mansh

**b) Employee's Response and the Skelly Conference**

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- i. If the employee requests a conference to respond orally to the charge(s), the conference must be scheduled at least 7 calendar days after the date of the notice. The conference will be an informal meeting with the department director, at which the employee has an opportunity to rebut the charges against him or here and present any mitigating circumstances. The department director will consider the employee's presentation before any final disciplinary action.
- ii. The employee's failure to make an oral response at the arranged conference time, or the employee's failure to cause his or her written response to be delivered by the date and time specified on the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

**c) Final Notice of Discipline**

Within 5 calendar days of receipt of the employee's timely written response or within 5 calendar days of the informal conference, the department director will (1) dismiss the notice of intent and take no disciplinary action against the employee, (2) modify the intended disciplinary action, or (3) impose the intended disciplinary action. In any event, the department director will prepare and provide the employee with a notice that contains the following:

- i. The level of discipline, if any, to be imposed and the effective date of the discipline;
- ii. The specific charges upon which the discipline is based;
- iii. A summary of the facts upon which the charges are based;
- iv. A copy of all written materials, reports, or documents upon which the discipline is based; and
- v. A statement of the nature of the employee's right to appeal.

RECEIVED  
AT CITY COUNCIL MEETING

DATE: 6/3/19  
BY: J. Mansh

**6. Evidentiary Appeal to the Council**

**a) Request for Appeal Hearing**

A regular, for-cause employee may appeal from a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by delivering a written answer to the charges and a request for appeal to the City Manager or designee, who will forward the appeal to the Council. The written answer and request for appeal must be received no later than 10 calendar days from the date of the department director's decision. The employee should indicate whether he/she is requesting closed or open hearing.

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**b) Date and Time of the Appeal Hearing**

The Council will set a date for an appeal hearing within a reasonable time after receipt of a timely written answer and request for appeal. An employee who, having filed a timely written answer and request for appeal, has been notified of the time and place of the appeal hearing, and who fails to appear personally at the hearing, may be deemed to have abandoned his or her appeal. In such a case, the Council may dismiss the appeal.

**c) Identification of Issues, Witnesses and Evidence**

No later than 10 days prior to the appeal hearing, each party will provide the other and the Council a statement of the issues to be decided, a list of all witnesses to be called (except rebuttal witnesses), a brief summary of the subject matter of the testimony of each witness, and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing. The city will use numbers to identify its evidence; the employee shall use alphabet letters. Neither party will be permitted to call any witness during the hearing that has not been identified pursuant to this section, nor use any exhibit not provided pursuant to this section, unless that party can show that they could not have reasonably anticipated the need for the witness or exhibit. The Council will state at the beginning of the hearing the decision as to the precise issue(s) to be decided.

**7. Conduction of the Appeal Hearing**

**a) Subpoenas**

The City Manager has authority to issue subpoenas in the name of the City prior to the commencement of the hearing. Each party is responsible for serving his/her/its own subpoenas. City employees who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. City employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually testify unless the City agrees to a different arrangement.

**b) Continuances**

The Council may continue a scheduled hearing only upon good cause shown.

**c) Record of Proceedings**



The results of this investigation sustain that you failed to fulfill your duties as a Police Officer. As a result, I see no other option other than **termination**.

For these reasons and based on the information above and as attached to this notice, I feel that this proposed action of **termination** from your position as a Police Officer with the Tehachapi Police Department is appropriate.

Attached hereto, you will find all the materials considered by me in this investigation.

- o Attachment A - Copy of Department Policies Cited above
- o Attachment B - Copy of the Investigative Reports, Recordings and Attachments.

**C. Warning against Retaliation**

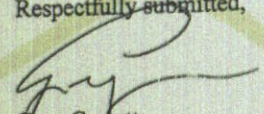
Please be advised that it is a violation of law, and the City's policies, to retaliate against any person who has participated in providing information regarding the allegations described above. You shall not retaliate against any individual who has provided information to the City of Tehachapi regarding your conduct. You may not contact or in any other manner retaliate against any individual who has provided information to the City of Tehachapi regarding your misconduct.

**D. Right to Respond**

In accordance with City Personnel Manual Section 6, please consider this your Final Notice of Discipline. In accordance with the section, you have an opportunity to appeal this Final Notice of Discipline by delivering a written answer to the charges and a request for appeal to the City Manager or designee. The written answer and request for appeal must be received no later than ten (10) calendar days from the date of this final notice. You should indicate whether you are requesting a closed or open hearing.

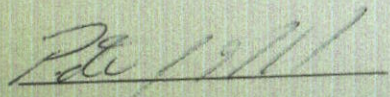
Please feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,



Greg Garrett  
City Manager

Acknowledgement of Receipt



Peter Graff

6/28/16

Date