



City of Cleveland

Justin M. Bibb, Mayor

Department of Public Safety

Dornat (Wayne) A. Drummond, Chief

FBI NA #230

Division of Police

1300 Ontario Street, Suite 929

Cleveland, Ohio 44113

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www.clevelandohio.gov

Pre-Disciplinary Hearing Letter

September 29, 2022

Patrol Officer James Thomas #687
C/o Bureau of Community Relations
1300 Ontario Street
Cleveland, Ohio 44113

Re: SR2022-0606

Patrol Officer Thomas #687:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a pre-disciplinary hearing has been scheduled to determine whether you violated the following provisions of the Manual of Rules, Department of Public Safety and the Rules of the Civil Service Commission of the City of Cleveland.

STATEMENT OF POLICY

In part: The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of Divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

SPECIFICATION

Specification #1: (SR2022-0606) Between the dates of February 1, 2022, and June 30, 2022, you, Patrol Officer James Thomas #687, displayed a pattern of sick leave abuse by using 208 hours of sick leave on weekends or on days that precede or follow scheduled vacation days or compensatory time, in violation of General Police Order 1.3.06. (*Group I Violation*)

This specification is in violation of the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

General Police Order 1.3.06: Sick Leave Review (revised: 3/14/13)

PROCEDURES:

- I. Sick Leave Abuse is identified by observation of a single instance of abuse or by a pattern that indicates abuse.
 - B. Sick Leave Abuse indicated by a pattern of sick leave usage
 - 1. Sick leave abuse is often detected by careful analysis of sick leave use patterns.
 - 2. A pattern of abuse is any of the following that occur repetitively or in combination:
 - a. Use of sick leave on Fridays, Saturdays, Sundays or days that precede or follow scheduled vacation days, holidays, personal holidays, furloughs, or compensatory time.
 - d. Any other pattern of sick leave use that indicates abuse.
- II. Quarterly Review
 - A. Members who have used 40 or more hours of sick leave in a rolling three month period shall be reviewed for sick leave abuse.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for **Monday, October 10, 2022, at 1000 hours** in the **Cleveland Division of Police Headquarters, Room 924**. Should you desire union representation, it is your responsibility to notify your union of this hearing. All officers shall have an opportunity to testify. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or at a later date. **Any documentation that could explain any of the above allegations shall be forwarded to the Case Preparation Unit a minimum of 48 hours prior to the scheduled hearing. Any new or additional evidence brought to the hearing will result in the hearing to be suspended and the matter shall be returned to the Internal Affairs Unit or the Police Review Board for consideration, as appropriate. In addition, it is also your responsibility to bring the documentation to this scheduled hearing.**

If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours prior to the scheduled hearing. It is your responsibility to notify said witnesses of the date and time of the hearing. In addition, it is your sole responsibility to ensure the attendance of any witnesses appearing on your behalf. Prior permission for any Division member's attendance **MUST** be obtained from the Case Preparation Unit. Any witnesses that will appear are to be in full uniform of the day. No overtime shall accrue as a result of their attendance.

In accordance with General Police Order 1.1.12: Uniform and Clothing Regulations, you are to appear in **"CLASS A" UNIFORM** and have your badge, city issued service weapon, and identification card with you. Failure to attend as ordered may subject you to additional disciplinary charges. You shall **PERSONALLY** contact the Case Preparation Unit (216-623-5022) **IMMEDIATELY** if there are any conflicts that would cause your lack of attendance to the scheduled hearing.

THIS WILL BE YOUR TOUR OF DUTY

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,



Dornat A. Drummond
Chief of Police

DAD:bpc:cld:la

cc: Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
Dorothy Todd, Deputy Chief, Chief of Staff
Arneil Rose, Acting Commander, Fourth District
Christopher Viland, Superintendent, Internal Affairs Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Hassan Aden, Federal Monitoring Team