



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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November 10, 2022

Bilingual Communications Specialist Sonia Alvarez #31
C/o Bureau of Communications & Property Control
4501 Chester Avenue
Cleveland, Ohio 44103

Re: SR2022-0264, DBI2022-0058, DBI2022-0062

Bilingual Communication Specialist Alvarez #31:

This letter is to advise you, Bilingual Communication Specialist Sonia Alvarez #31, of the result of the administrative pre-disciplinary hearing you attended (via phone) on Friday, August 27, 2022. The hearing was held to address the results of internal investigations wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

FACTUAL SUMMARY

During the First Quarter 2022 sick review, you, Bilingual Communication Specialist Sonia Alvarez #31, used ninety-six (96) hours of undocumented sick time and displayed a pattern of sick time use that preceded or followed scheduled vacation days or compensatory time.

On or about May 25, 2022, you, Bilingual Communication Specialist Sonia Alvarez #31 were insubordinate when you failed to complete a Form-1, as ordered by a superior officer and when you failed to report for duty after being given the opportunity to complete the Form-1 during your tour of duty.

You, Bilingual Communication Specialist Sonia Alvarez #31 were absent without leave (AWOL) from on or about June 1, 2022 through June 14, 2022 (explicitly: June 1, 2022, June 4, 2022, June 6, 2022, June 9, 2022 and June 14, 2022).

On or about June 18, 2022, you, Bilingual Communication Specialist Sonia Alvarez #31 were five (5) hours and twenty-seven (27) minutes late for duty.

On or about June 20, 2022, you, Bilingual Communication Specialist Sonia Alvarez #31 were one (1) hour and eleven (11) minutes late for duty.

On or about June 23, 2022, you, Bilingual Communication Specialist Sonia Alvarez #31 were eleven (11) minutes late for duty.

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.

SPECIFICATIONS

Specification #1: (SR2022-0264) During the First Quarter 2022 sick review, you, Bi-lingual Communications Specialist Sonia Alvarez #31, used ninety-six (96) hours of undocumented sick time and displayed a pattern of sick use that preceded or followed scheduled vacation days or compensatory time, in violation of General Police Order 1.3.06. (*Group I Violation*)

Specification #2 (DBI2022-0058) On or about May 26, 2022, you, Bi-lingual Communications Specialist Sonia Alvarez #31, were insubordinate when you failed to complete a Form-1 as ordered by Lieutenant Andrew Desatnik and failed to report for duty after given the opportunity to complete the Form-1 during your tour of duty, in violation of Manual of Rules 2.02, 2.06, 2.07, 10.01, and General Police Order 1.3.06. (*Group III Violation*)

Specification #3 (DBI2022-0058) You, Bi-lingual Communications Specialist Sonia Alvarez #31, failed to report for duty and were Absent Without Leave (AWOL) from on or about June 1, 2022, through June 14, 2022 (explicitly: June 1, 2022, June 4, 2022, June 6, 2022, June 9, 2022 and June 14, 2022), in violation of Manual of Rules 2.02, 2.06, 2.07, and 10.01. (*Group III Violation*)

Specification #4: (DBI2022-0062) On or about June 18, 2022, you, Bi-lingual Communications Specialist Sonia Alvarez #31, were 5 hours and 27 minutes late for duty, in violation of Manual of Rules: 2.02, 2.03, 2.04, 2.14, 10.01, 10.02 Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures: Workplace Policies (*Group II Violation*)

Specification #5: (DBI2022-0062) On or about June 20, 2022, you, Bi-lingual Communications Specialist Sonia Alvarez #31, were 1 hour and 51 minutes late for duty, in violation of Manual of Rules: 2.02, 2.03, 2.04, 2.14, 10.01, 10.02 Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures: Workplace Policies (*Group I Violation*)

Specification #6: (DBI2022-0062) On or about June 23, 2022, you, Bi-lingual Communications Specialist Sonia Alvarez #31, were 11 minutes late for duty, in violation of Manual of Rules: 2.02, 2.03, 2.04, 2.14, 10.01, 10.02 Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures: Workplace Policies (*Group I Violation*)

These specifications are 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 3/14/11)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police. Rules 2.02, 2.03, 2.04, 2.06, 2.07, 2.14, 10.01 and 10.02

Civil Service Commission Rule 9.10: Tenure

City of Cleveland Human Resources Policies and Procedures- Attendance Policy

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that I presided over were you (via phone), First Vice President David Medina, Second Vice President Andrew Gasiewski, Chief Union Steward Amanda Kline and Attorney Keith Wolgamuth of the Cleveland Police Patrolmen's Association, Chief Dispatcher Felipe DaVila of the Bureau of Communications, Acting Captain Andrew Desatnik of the Bureau of Communications & Property Control, Lieutenant Charles DePenti of the Case Preparation Unit, Assistant Director Amanda Boutton of the Department of Law, Sergeant Kelly Smith, Assistant Director George Coulter and Assistant Director Jakimah R. Dye of the Department of Public Safety.

During the hearing, you acknowledged receipt of the charge letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "Not Guilty" to Specification #1 and "No Contest" to Specification #2, Specification #3, Specification #4, Specification #5 and Specification #6 as set forth in the charge letter.

Discipline History

1/10/2020—AWOL/Tardy—Suspended 1 Day

4/19/2022—Tardy x 3—Suspended 3 Days

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Mitigating: Accepted Responsibility.

Aggravating: Active discipline, multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.

- ***Anomalies***

None.

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. Upon carefully reviewing the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures, I have determined that you, Bilingual Communications Control Specialist Sonia Alvarez #31 violated General Police Order 1.3.06 when you used ninety-six (96) hours of undocumented sick time and displayed a pattern of sick use that preceded or followed scheduled vacation days or compensatory time during the First Quarter 2022 sick review (*Specification #1*). You violated Manual of Rules 2.02, 2.06, 2.07, 10.01, and General Police Order 1.3.06 when you were insubordinate by failing to complete a Form-1 as ordered by a superior officer and failing to report for duty after being given the opportunity to complete the Form-1 during your tour of duty (*Specification #2*). You violated Manual of Rules 2.02, 2.06, 2.07, and 10.01 when you were absent without leave (AWOL) on June 1, 2022, June 4, 2022, June 6, 2022, June 9, 2022 and June 14, 2022 (*Specification #3*). Manual of Rules: 2.02, 2.03, 2.04, 2.14, 10.01, 10.02 Civil Service Commission Rule 9.10 Tenure and the City of Cleveland Human Resources Policies and Procedures when you were five (5) hours and twenty-seven (27) minutes late for duty on or about June 18, 2022 (*Specification #4*), were one (1) hour and eleven (11) minutes late for duty on or about June 20, 2022 (*Specification #5*) and eleven (11) minutes late for duty on or about June 23, 2022 (*Specification #6*).

Based on the foregoing, I find you **"Guilty"** of Specification #1, Specification #2, Specification #3, Specification #4, Specification #5 and Specification #6. **Consistent with City of Cleveland policies and procedures, I am issuing you a seventeen (17) workday suspension without pay for two (2) Group III Violations, one (1) Group II Violation and three (3) Group I Violations. Additionally, I am placing you on Step-1 of the Sick Leave Abuse Control Program.** Pursuant to the procedures of the Step-1 Sick Abuse, you are to provide documentation to the Medical Director prior to being returned to duty for any sick leave taken from the date of this letter until November 10, 2023. Further, members who are found to be abusing sick leave within one year of completing Step-1 Sick Abuse shall result in the member automatically escalating to Step-2 Sick Abuse. This corrective action is within the First Group III violation range of the discipline matrix where aggravating factors (*active discipline, multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range*) outweigh mitigating factors (*accepted responsibility*).

The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge and identification card to your Commanding Officer or designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or designee upon reporting for duty. **Additionally, you shall, within five (5) work days of returning from suspension, read General Police Order 1.3.06, Manual of Rules 2.02, 2.03, 2.04, 2.06, 2.07, 2.14, 10.01 and 10.02, Civil Service Commission Rule 9.10: Tenure and the City of Cleveland Human Resources Attendance Policy and expect to be reinstructed by a superior officer on that Order, those Rules and Policy. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:**

- **The Case Preparation Unit (caseprep@clevelandohio.gov)**
- **The Department of Public Safety (publicsafetyadmin@clevelandohio.gov).**

It is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association Civilian Personnel, the City shall not consider, as a basis of progressive discipline, any reprimand, suspensions, or other disciplinary action which occurred more than three (3) years previous.

Sincerely,



Karrie D. Howard, Chief Director
Department of Public Safety

KDH:DAD:kas

cc: Dornat Drummond, Chief, Division of Police
George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Daniel Fay, Deputy Chief, Administrative Operations
Brian Carney, Commander, Bureau of Compliance
Brian McEntee, Acting Commander, Bureau of Communications & Property Control
Andrew Desatnik, Acting Captain, Bureau of Communications & Property Control
Felipe DeVila, Chief Dispatcher, Bureau of Communications

William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Christopher Viland, Superintendent, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Unit
Jeffrey Follmer, President, Cleveland Police Patrolmen's Association
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Paul Patton, Chief Human Resources Officer
Mary L. Bradley, Executive Director, Civil Service Commission
Michael Evanovich, Investigator, Department of Justice
Richard Rosenthal, Member, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Ayesha Hardaway, Federal Monitoring Team