



Record of Disciplinary Action

Employee Name: THOMAS FOSTER	Employee Title: CHIEF
Supervisor Name: DR.A. JACKSON	Supervisor Title: CITY MANAGER
Today's Date: 12.2.2021	Incident Date:
Incident Time:9:30AM	Incident Location: 604-4

Names of those in attendance at current disciplinary action meeting: Chief Foster, Dr. Jackson city manager and witness Loiry Nesheiwat – HR

Corrective or disciplinary action to be taken:

Written Probation Suspension Policy Violations (list all below)

Goals to be achieved:

Consequences for failure to improve performance or correct behavior:

ENCLOSED PERFORMANCE

Prior discussions or warnings on this subject, whether oral or written:

Employee statement:

I acknowledge that I have read and understand the above information and consequences.

Employee Signature

Date

Supervisor Signature

Date

Policy -General rules of Conduct :

6) **To Report Incidents Through Chain of Command:** Any employee aggrieved by the treatment or orders of a superior or any employee wishing to call

attention to any matter of City business, neglect of duty, or wishing to make suggestions for the improvement of the service shall prepare a written memorandum and direct it through the official chain of command to his/her Department Director or the City Manager. Failure of a superior to forward a communication through the chain of command shall be treated as a serious dereliction of duty unless the issue is resolved to the initiating employee's satisfaction and appropriate documentation supports same.

Policy # 120.00 Employee Supervision :

subordinates to the certified employee.

(5) **Directors and Supervisors to Set Example For Subordinates:** To assure success in the performance of the basic duties of employees, it is imperative that the Directors and Supervisors set examples for subordinates in energy, morality, sobriety, courtesy, courage, skill, discipline, and professionalism. This will expand to his/her actions whether on or off duty, since they must lead by example.

g) **Directors, Assistant Directors and Supervisors:** Shall Keep the City Manager Informed of:

- (1) Problems within his/her Departments.
- (2) Unusual occurrences and all matters of significance.
- (3) Personnel concerns and Human Resource issues.
- (4) Organizational element's statistics/budget.
- (5) Other matters of sufficient importance which will enable

the City Manager to be fully informed of the general activities and functions of his/her Department and how they impact on the objectives and goals fulfillment (efficiency and effectiveness).

h) **Directors, Assistant Directors, and/or Supervisors** shall know all the personnel under his/her supervision and shall keep themselves informed of each subordinate's proficiencies, attitudes, force of character, sobriety, peculiarities, formal education, training, unusual qualifications, interpersonal skills, sense of duty, experience, special skills, knowledge of work, steadiness of performance, performance potential, intentions and efforts to increase his/her efficiency and professionalism. These individual characteristics are not listed in order of priority, but Directors, Assistant Directors, and/or

Supervisors shall attempt to know as much as possible about his/her personnel regarding these characteristics and any others that are job related.

Performance Improvement Plan

Thomas Foster
Chief of Police
Bunnell Police Department
December 3, 2021

Reason for Improvement Plan

The purpose of this performance improvement plan (PIP) is to identify issues in your work performance, clarify expectations and give you an opportunity to address these concerns and remain in good standing.

Performance Improvement Plan

This document serves to provide you with a plan to correct your performance in the following areas:

You are expected to comply with the following Policies:

Policy 100.0 Code of Conduct, item #5.

All Employees shall conduct themselves according to the following:

- a. Employees shall not act in any manner that may discredit the citizens, the City, public officials, fellow Employee(s), or themselves; provided, however, Employees shall have the right to report fraud, waste, or abuse. The rights of Employees under "whistleblower legislation" shall be honored and respected.
- b. Employees shall treat each other and the public with the utmost courtesy and respect, and refrain from making any derogatory or demeaning remarks concerning one another. **Employees shall avoid conduct and speech, which unjustly or maliciously criticizes the citizens, City Commissioners, City departments, divisions, offices, officers, Employees, or the policies, programs, or actions of the City, or ridicules or interferes with the reasonable supervision or proper discipline of Employees.**

Policy 700.0 CITIZEN INTERACTION/EMPLOYEE INTERACTION, items 6, 7 & 11

6. Employees must realize that they are ambassadors for the City, regardless of his/her position. The more goodwill promoted by Employees through his/her interaction with the citizens, the more our citizens will respect and appreciate the services provided by the City.
7. Courtesy toward the public and each other is demanded of all employees of the City. Employees (in his/her conduct and behavior) shall always be calm, civil, orderly, and courteous. Even in the face of great provocation, they shall be diplomatic in the performance of his/her duties; and they shall serve the City in the discharge of his/her duties by controlling his/her tempers and exercising the utmost patience and discretion. When required, they must act with firmness and with sufficient energy to properly perform his/her duties. They shall, at all times, refrain from using coarse, violent, profane, or insolent language. An attitude of self-importance gains nothing, except the ill will of those with whom the public and/or employee come in contact.
11. Employees shall refrain from sharp retorts when carrying on any conversation. They should never make remarks about the infirmities of others or voice prejudices concerning race, ethnicity, religion, sex, or politics. They will refrain from using profanity as part of his/her vocabulary when on duty or representing the City on or off duty.

Bunnell Police Department Gen Order #107- 9. Courtesy and Respect

Employees will be courteous and respectful to their superiors, fellow employees, and members of the public.

Bunnell Police Department Gen Order #107- 44. Criticism

Employees shall not publicly criticize or ridicule the Bunnell Police Department, its policies, or other employees by speech, writing, or other expression, where such speech, writing or other expressions is defamatory, obscene, unlawful, or undermines the effectiveness of the Bunnell Police Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Deficiencies:

- Chief has failed to meet the above-referenced policies and expectations by spreading rumors and bad mouthing the Mayor and Commission to residents about the lack of support for the Police Department. Those rumors also include the Commission is planning to get rid of him and the Police Department.
- Chief has failed to meet the above-referenced policies and expectations by telling Officers the City Manager can't be trusted. As a result, the Officers don't feel comfortable approaching the City Manager nor expressing their concerns for fear of retaliation from Sgt. Mortimer and the Chief.
- Chief has failed to meet the above- referenced policies and expectations by providing misleading statements to other agencies about Officers who are considering employment in other agencies.
- Chief has failed to meet the above- referenced policies and expectations by sharing misleading information. As an example, that the City Manager was not allowing overtime.
- Chief regularly displays a negative attitude and obstinate disposition. He also has been heard engaging in negative talk.

Policy 120.0 Employee Supervision.

1. A primary role of each supervisor is to provide an effective link between management and non-management Employees. As such, supervisors are expected to communicate the goals and policies of management to Employees. At the same time, supervisors are expected to communicate back to management the attitudes, suggestions, and complaints of Employees.
2. Supervisors must, in addition to mastering the technical skills needed for his/her work unit, be able to lead and motivate Employees to do his/her jobs effectively and efficiently. To this end, supervisors should be prepared to:
 - a. Treat Employees as individuals.
 - b. Give recognition for good performance, as well as guidance for correcting deficiencies.
 - c. Explain in advance when and why changes are necessary.
 - d. Recommend Employees with growth potential for promotion, even if it means losing them to other work units.
 - e. Encourage diversity of opinion and background.
 - f. Show integrity by admitting mistakes instead of shifting the blame to others.
 - g. Provide a challenging climate to encourage Employee development.

- h. Maximize efficiencies and resources within his/her area of influence.
 - i. Be impartial and communicate the reasons for any decisions that might be interpreted as unfair.
 - j. Demonstrate a desire for good performance by setting work goals and standards for Employees.
 - k. Create a feeling of teamwork and belonging among Employees.
 - l. Set good examples by holding themselves to a standard of conduct and performance that is demanded of all Employees; and
 - m. Impart through example and speech the importance of excellence in customer service and work quality.
 - n. All supervisors and Employees when dealing with the public or another Employee must act in a professional and courteous manner.
3. **Employees Holding Positions as Directors or Supervisors** of Department sections, units, details, or squads have the responsibility to lead by example and perform his/her duties in a professional and efficient manner, which is also required in his/her area of responsibility. They will not conduct themselves in a matter on or off duty that will bring disrepute to the City of Bunnell and/or his/her position.
4. **Directors, Assistant Directors, and/or Supervisors** shall know all the personnel under his/her supervision and shall keep themselves informed of each subordinate's proficiencies, attitudes, force of character, sobriety, peculiarities, formal education, training, unusual qualifications, interpersonal skills, sense of duty, experience, special skills, knowledge of work, steadiness of performance, performance potential, intentions, and efforts to increase his/her efficiency and professionalism. These individual characteristics are not listed in order of priority, but Directors, Assistant Directors, and/or Supervisors shall attempt to know as much as possible about his/her personnel regarding these characteristics and any others that are job related.

Bunnell Police Department Gen Order #206:

Policy-It is the policy of the BPD to provide all members with a fair and objective process that shall assist in resolving employment-related differences fairly and expeditiously.

Bunnell Police Department Gen Order #105:

Carrying Out Orders #18- In no instance shall a member attempt to shift the burden of responsibility for execution or neglecting to execute a lawful order or law enforcement duty. A. Disagreeable duties must be performed, and unpopular orders obeyed. B. Grouchiness, sarcasm, gossip, wisecracks, or flaring of temper are examples of unprofessional behavior and will not be tolerated.

Deficiencies:

Chief has failed to meet the above-referenced policies and expectations in Supervision:

- Failing to correct or address negative attitude/actions of Sgt. Mortimer. This includes but is not limited to the following actions and behaviors of Sgt. Mortimer:
 - How he (Mortimer) talks down to Officers.
 - How he (Mortimer) retaliates toward Officers if they complain or bring constructive items to the Chief's attention.
 - His (Mortimer's) negative and poor leadership examples.
 - His (Mortimer) failure to turn on his GPS, a real safety issue for the Officers.
 - Taking off the days he wants and not being considerate of others in the department need or want for time off.
- Deflecting a low morale of Officers onto the Commission.

- Not addressing the real issues and concerns of the department.
- Failing to provide effective leadership and communication to and from Sgt. Mortimer.
- Not addressing the issues and concerns of Officers and creating a retaliatory environment.
- Only having one officer on per shift after the Chief had communicated to the City Manager and Commissioners that we have at least two officers on per shift with a Cpl. and/or Sgt. overlapping shifts. This creates a safety concern for officers.
- Lack of consistent communication throughout the Department.
- Lack of Equitable treatment for all Officers, i.e. vacation, GPS (AVL) usage.
- Bad mouthing Officers to others.
- Bullying Officers verbally, both directly and indirectly.

Policy 109.2 (h) General Rules of Conduct, item #4.

Gossip: An employee shall not divulge or tolerate gossip detrimental to any person or other employee of the City but shall report to his/her immediate supervisor (whom it is his/her duty to inform), any rumors concerning actions, allegations, neglect, or disobedience of orders by his/her fellow employees, who may affect the reputation, morale, and integrity of the City.

Policy 120 General Rules of Conduct- General Administrative Duties- n. Orders

#6) To Report Incidents Through Chain of Command: Any employee aggrieved by the treatment or orders of a superior or employee wishing to call attention to any matter of the City business, neglect of duty, or wishing to make suggestions for improvement of the service shall prepare a written memorandum and direct it through the official chain of command to his/her Department Director or the City Manager. Failure of a superior to forward a communication through the chain of command shall be treated as a serious dereliction of duty unless the issue is resolved to the initiating employee's satisfaction and appropriate documentation supports the same.

Policy 120 General Rules of Conduct- General Administrative Duties- r. Directors and Supervisors are accountable for all activities of employees under his/her immediate control:

g. Directors, Assistant Directors and Supervisors: Shall keep the City Manager Informed of:

1. Problems within his/her department.
2. Unusual occurrences and all matters of significance.
3. Personnel concerns and Human Resource issues.
4. Organizational element's statistics/budget.
5. Other matters of sufficient importance which will enable the City Manager to be fully informed of the general activities and functions of his/her department and how they impact on the objectives of and goal (efficiency and effectiveness).

City of Bunnell Charter: ARTICLE IV. – ADMINISTRATIVE- Sec. 4.01. - City Manager

There shall be a City Manager who shall be the Chief Administrative Officer of the City. He/she shall be responsible to the City Commission for the administration of all City affairs placed in his/her charge by the Commission or under this Charter. He/she shall serve at the will, pleasure, and direction of the City Commission.

The City Manager is tasked with official direction provided by the Commission as a whole, not individual agendas, goals, or projects of each Commissioner. The City Manager must implement the policies and directions voted on by the Commission in meetings.

City of Bunnell Adopted Values

1. Loyalty to the team, the objectives, the mission.

2. Teamwork. Cultivate a "we environment."-Be a passionate team Player
3. Communication. Share information freely, maintain an ongoing dialog throughout the organization.
4. Respect individual strengths; Embrace diversity.
5. Empathy. Care about people.
6. Always determine what is important to team members.
7. Honor everyone. Demonstrate respect for all persons.
8. Say "Thank You." Show appreciation in every way possible.
9. Self-Control. Stay open, ask questions, and maintain calm demeanor in the face of every challenge.
10. Have a forgiving spirit.
11. Professionalism Always maintain a positive attitude and a pleasing personality.
12. Cultivate creativity.
13. Seek great personal satisfactions in helping others succeed.
14. Be an active listener—quick to hear, slow to speak.
15. Be a person of fairness and justice to all.
16. Have an action plan, results oriented with measurable outcomes.
17. Create a culture of warmth & belonging, where everyone is welcome.
18. Have fun-create an environment where employees can think big and excel.
19. Integrity: to be honest, open, ethical, and fair.
20. Fiscal accountability: to be good stewards of agency funds.

Deficiencies

Chief has failed to meet the above-referenced policies and expectations in the following ways:

- o Chief continues to express negative opinions to citizens, staff, and other agencies. The Mayor, Commissioners and City Manager have received calls about incorrect and inaccurate information that has been reported or verbalized to them by the Chief.
- o Bad mouthing the Mayor and Commissioners regarding policy and budgetary decisions.
- o The City Manager has been called numerous times by Commissioners about the misinformation and gossiping regarding how certain Commissioners are out to eliminate the Police Department or have the Chief fired.
- o Chief regularly displays a negative attitude and obstinate disposition, in addition to regular negative talk.
- o Chief talks to Commissioners about day-to-day operations without discussing with the City Manager as required through the appropriate Chain of Command.

Policy 401.0 PERFORMANCE MANAGEMENT / EVALUATION, items #2,3,4:

2. The written performance evaluation of each employee should include the supervisor or department manager's comments on the employee's performance throughout the period of evaluation and recommendations for the employee's continuous growth and development. Performance goals and objectives should also be included for the next evaluation period.
3. A *One-over* signature by the chain of command and up to the City Manager and supervisor is required on each performance review before being given to the employee. The City Manager should review and sign each written evaluation to help ensure the quality, consistency and fairness of each evaluation administered.
4. After the written evaluation has been reviewed and signed, the department supervisor and employee will meet and discuss the evaluation, assess the employee's strengths and areas for improvement in a constructive manner and set objectives and goals for the upcoming period. The employee should be given the opportunity (five working days) to examine the evaluation and make written comments about any aspect of the review. The Employee and the supervisor

should then sign and date the evaluation and forward it through the appropriate lines of supervision to the Human Resources Administrator for processing.

BPD Gen. Order #207-Purpose and Objective

3. A One-over signature by the chain of command and up to the City Manager and supervisor is required on each performance review before being given to the employee. The City Manager should review and sign written evaluation to help ensure the quality, consistency and fairness of each evaluation administered.

4. After the written evaluation has been reviewed and signed, the department supervisor and employee will meet and discuss the evaluation, assess the employee's strengths and areas for improvement in a constructive manner and set objectives and goals for the upcoming period. The employee should be given the opportunity to (five working days) to examine the evaluation and make written comments about any aspect of the review. The employee and the supervisor should then sign and date the evaluation and forward it through the appropriate lines of supervision to the Human Resources Administrator for processing.

BPD Gen Order #104-Responsibilities:

Such directions shall be accomplished through written directives, policies, and guidelines, verbal orders, and personal leadership. When necessary, such leadership shall be exerted through his assigned subordinate commanders, supervisors, and officers.

Deficiencies:

Chief has failed to meet the above-referenced policies and expectations in the following ways:

- Failing to provide the City Manager the opportunity to review and sign Sgt. Mortimer's evaluation to help ensure the quality, consistency, and fairness of the evaluation prior to presenting the evaluation to Sgt. Mortimer. After reviewing the evaluation, the City Manager does not believe the Chief completed an accurate evaluation, in particular the categories of Collaboration/Teamwork and Communication. Both areas require improvement. In Areas for Improvement, Chief should have clearly articulated the deficiencies such as leadership, how to communicate with staff, being more considerate of others, listening to his team and not retaliating against others in the department.
- Chief has failed to hold Sgt. Mortimer accountable as one of his leaders.

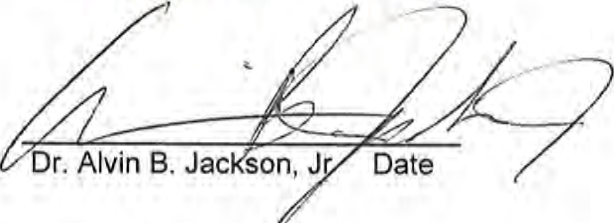
Action Items to Correct Performance: (30 days for correction).

- The Chief shall always comply with all City policies and procedures.
- The Chief shall require all employees of the Police Department to always comply with all City policies and procedures.
- The Chief shall effectively supervise his staff and hold them accountable for their actions when necessary.
- The Chief will demonstrate leadership characteristics which build trust with the staff, the community, the City Manager, Mayor and Commissioners.
- The Chief shall promote a positive working environment for employees and build morale within the Department.
- Staff evaluations should be completed fairly, honestly and in compliance with policy to include submission to the City Manager for final review before meeting with the employee to give the evaluation.

- The Chief and his staff will not spread rumors, gossip, derogatory information or opinions regarding city business, employees, the City Manager, Mayor, Commissioners, or their decisions.
- The Chief and his staff will treat all citizens, city employees, the City Manager, the Mayor and the Commissioners with courtesy and respect. This includes when communicating with them directly and indirectly while communicating with others regarding City business.
- The Chief needs to be more visible in the field and on major scenes. The Chief should be on duty on at least 2 overnight shifts per month and should respond to major calls for service within the City.
- The Chief will follow the Chain of Command and ensure that his staff does the same.
- The Chief will ensure at least two (2) Officers are working each shift.
- The Chief needs to develop a positive attitude and disposition towards his work,
- The Chief needs to be more positive and creative in leading the Police Department.
- The Chief, nor his leadership team, should retaliate on officers when issues and concerns are brought to the attention of the Chief or the City Manager's Office.
- The Chief will ensure that the practice of leaving their post early by any Sergeant, Corporal or Officer ceases.
- The Chief shall ensure that every Officer has an AVL(GPS) in their vehicle and is used.



Chief Thomas Foster Date 12/2/21



Dr. Alvin B. Jackson, Jr. Date 12/2/21