



**IN RE:** *Pre-Suspension Hearing of Jacqueline Gonzalez*

**THIS MATTER** came before me 29<sup>th</sup> day of January, 2019, on the proposed suspension of Ms. Jaqueline Gonzalez, relating to alleged violations of the City's *Personnel Policies and Procedures*. The hearing was attended by Ms. Gonzalez, Senior Planning Technician, Ray Tyner, Planning Manager, Wendy Cullen, Human Resource Director and the undersigned.

It is alleged that Ms. Gonzalez violated the following provisions of the City of Palm Coast *Personnel Policies and Procedures Manual*:

- Section 3.05, A: *"Employees who may be in a position to influence actions and decision regarding the City's administration shall refrain from relationships that may adversely affect the exercise of his/her independent judgment in dealing with supplier, bidders, vendors and contractors or any other person doing business with the City."*
- Section 3.05, F: *"An employee accepting anything of value including but not limited to loans, advances, gifts, gratuities, rewards, favors or entertainment from a vendor, supplier, bidder or other party doing business with the City, promise of future employment etc. may be considered improper."*
- Section 3.16 A. 2: *"Employees shall not accept anything of value, including a gift, loan, reward, promise of future employment, or services that:*
  - *Would cause a prudent person to be influenced in the discharge of official duties.*
- Section 11.07, Group II Offense, #3: *"Neglecting to comply with requirements set forth in departmental rules and standards of conduct."*
- Section 11.07, Group II Offense, #18: *"Violating personnel policies."*
- Section 11.07, Group III, #3: *"Receiving from any person, or participating in any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons."*
- Section 11.07, Group III, #7: *"Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor."*
- Section 11.07, Group III, #27: *"Any other offense of a similar nature deemed sufficient by the City Manager and not prohibited by law."*

Based upon the evidence submitted to me for my review and consideration, I have determined that Ms. Gonzalez did violate the stated provisions of the personnel policies and procedures manual. Not only does the information provided to me in the form of the Investigative Summary developed by the Internal Control Team (ICE) reflect that Ms. Gonzalez accepted a gift, Ms. Gonzalez' own admission verifies the acceptance. I would like to state, however, that based upon the information contained in the ICE Final Report and during conversations with her manager, Mr. Tyner, and myself, Ms. Gonzalez took full responsibility and ultimately indicated that her actions were her own.

Jackie, I want to thank you for your candor and honesty. You fully accepted responsibility for your acceptance of the gift. As we discussed, please do not let this one poor decision affect you going forward. You are a long-term and valued member of the Community Development Team and also as discussed, I believe that this event was a one-time lapse in judgement and I don't expect that we will have to have similar conversations in the future.

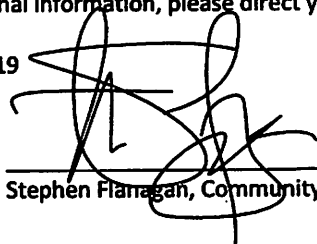
Sections 1.04 [Management Rights] and 11.07 of the City's Personnel Policies and Procedures Manual make it clear that no particular grade or number of offenses is necessary to warrant suspension and that any level of discipline may be appropriate for any offense.

I find that the proposed disciplinary action, a two-day (2-day) unpaid suspension is consistent with the City of Palm Coast Personnel Policy and Procedures Manual and I uphold the recommended action.

Section 11.06 of the *City of Palm Coast Personnel Policy and Procedures Manual* provides that a regular non-probationary employee is further entitled to administrative due process by means of filing an appeal following disciplinary action being imposed and may, to exercise that right, submit an appeal to the disciplinary action determination. Appeals must be filed within five (5) days of the day of the receipt of the notice of disciplinary action by the employee. If the fifth day occurs on a non-City business day, the appeal may be filed on the next business day. All appeals shall be submitted in writing and shall fully set forth all issues that the employee desires to be considered in the appeal and the relief that is requested by the employee. No additional information may be submitted after the appeal is decided. Materials submitted on appeal may include affidavits and written arguments. Your appeal would be a written appeal to the City Manager. Upon the decision of the City Manager, the appeal shall be considered concluded and the employee shall have no further right to appeal. Any hearings held in the appellate process and all other proceedings are administrative in nature and the Florida Rules of Evidence and the Florida Rules of Civil Procedure are not applicable.

If you have any questions or require additional information, please direct your inquiries to Ms. Cullen.

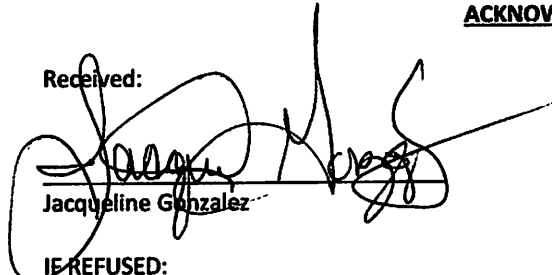
DATED this 6<sup>th</sup> day of February, 2019



Stephen Flanagan, Community Development Director

**ACKNOWLEDGMENT OF RECEIPT**

Received:

  
Jacqueline Gonzalez

IF REFUSED:

I hereby certify that I delivered the above letter to Jacqueline Gonzalez on February 6<sup>th</sup>, 2019.

Printed Name: \_\_\_\_\_

cc: Wendy Cullen, Human Resources Manager

Appeal due by Friday, 2/15/19 @ 5:00.