

Emergency Services

Emergency Management

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To: Jennifer Stagg, Emergency Management Planner
From: Stephen R. Garten, Public Safety Emergency Manager
Subject: Pre-disciplinary Hearing Notification, Intent to Terminate Employee
Date: October 26th 2016
Copies: Sally Sherman, Hearing Officer
Joseph A. Mayer, Community Services Director

Re: Pre-disciplinary Hearing Intent to Terminate Employee

You are hereby notified that it is our intention to dismiss you from your position as an Emergency Management Planner with the Emergency Services – Emergency Management Division.

As an employee of the Emergency Management Division you are expected to conduct yourself in a professional manner at all times. Your actions in the past 7 months and especially on October 6th – 21st, 2016 demonstrated behavior that is neither sanctioned nor condoned by the County and in fact constitutes several violations of the Flagler County Personnel Policies and Procedures as follows:

Section 13, Group II, number 6: Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to County business.

- On April 4, 2016, I met with Jennifer to discuss the importance of notifying Human Resources and County Administration of a subpoena she had received dated March 11, 2016. Her response to Julie Murphy on April 4th, 2016, was that "I have no supporting documentation as described in the subpoena to supply" and was the reason given that she did not notify anyone of its arrival.

Section 13, Group II, number 11: Tardiness.

- On April 18, 2016, Jennifer was late because "My car won't start. I'm waiting for a lift. Will be in about an hour".
- On April 25, 2016 Jennifer was late because "Will be in late this morning. Trying to care for a roomie that does not feel & a herd of pups".
- On May 10, 2016 Jennifer came in late because "I am going to come to work after lunch today. Everyone around me seems to be sick! I have my radio on".
- On May 24, 2016, Phyllis Downes notified me that Jennifer came in at 9:45 AM.
- On May 25, 2016, Phyllis Downes notified me that Jennifer came in at 8:40 AM.
- On June 28, 2016 Jennifer came in late because "I am running a little behind, but I also have a presentation to give to the school tonight. I will be in before staff meeting today".
- On July 22, 2016 Jennifer came in late because "I am running a little late – my stomach is not happy with me... will be in around 930".

District 1
Charles Ericksen, Jr.

District 2
Frank Meeker

District 3
Barbara Revels

District 4
Nate McLaughlin

District 5
George Hanns

- On August 1, 2016 Jennifer came in late because "I'm running behind... Had a bit of an accident over the weekend that involves some gnarly road rash on my extremities. I will be in late, but am coming as fast as my hobbling around will allow".
- On August 3, 2016 Jennifer came in late because "I will be in after lunchtime to take care of a few things. See you then".
- On August 5, 2016 at 4:37 PM, I went over the **Attendance and Punctuality** portion of the Flagler County Employee Handbook – A Guide for Our Employees with Jennifer Stagg. I reread the section on frequent absenteeism and informed her that repetitive behavior of frequent absenteeism or frequent tardiness could lead to disciplinary action up to and including discharge. She refused to sign the MEMORANDUM OF RECORD, stating that we had reviewed this section together.
- On August 24, 2016 Jennifer came in late because "My suitcase is hopefully, finally coming home! Spoke with delivery company and they should be here within the next couple of hours (he said he has some other deliveries too) with my luggage. I will be in later this morning after I get my stuff".
- On August 25, 2016 Jennifer came in late because "I woke up late & am running behind should be there by 8:45".
- On August 31, 2016 Jennifer came in late because "My puppy is having some tummy troubles, will be in by 830".
- On September 12, 2016 Jennifer came in late because "Running late. Couldn't find my phone... be in by 840".
- On September 19, 2016 Jennifer came in late because "My pup had some tummy issues that I think I have gotten it all up, hopefully. Taking another shower & should be in around 9am."

Section 13, Group II, number 12: Chronic (un-excused) absenteeism.

- On March 30, 2016, Jennifer missed work because "I will not be able to n today. However I will be going through & taking care of my emails. And of course I am available by cell phone".
- On March 31, 2016, Jennifer missed work because "My apologies, I am still felling unwell today & will most likely not be in. I have a doctors appointment at this morning. I can be reached by cell if needed".
- On May 18, 2016, Jennifer missed work because "Hey... please let Steve know that I have a doc appointment & will be gone for the day! I completely forgot! And am in a rush".
- On May 20, 2016, Jennifer missed work because "Not feeling well & as such did not sleep well. I am going to rest some more this morning. As I am supposed to go to that faith based meet & greet tonight in Jax, if I get up to it, I will just use this as a means to adjust my hours for the day. I will check back in later".
- On May 23, 2016, Jennifer missed work because "Still not feeling well. Will be out today".
- On June 8, 2016, Jennifer missed work because "Have a sick puppy from the storms the other day. He basically ate most of the bathroom door & part of the wall after entrapping himself, but more on that story later. I am going to take him & while I am doing so, go ahead & get his brother taken care of too. Doctor day for the Stagg's. I will see you tomorrow".
- On June 27, 2016, Jennifer missed work because of "Flagler Volunteer Service Call Center Training". On her schedule was a 4:00 PM – 6:00 PM Flagler Volunteer Service Call Center Training: Training Room A in the EOC. I do not know why Jennifer could not work that day coming in later to work her required eight hours that day.

- On July 11, 2016, Jennifer missed work because "I am not feeling well and am going to try to get some rest. I will not be in today. Jim wants to discuss the Water Safety event for next year at the meeting this morning. I will support it as much as I can. I will work remotely as much as I can. See you tomorrow".
- On August 2, 2016, Jennifer missed work because "Not feeling well & am going to stay home to try & get some real rest today. I will check my emails later & see you tomorrow".
- On August 5, 2016 at 4:37 PM, I went over the **Attendance and Punctuality** portion of the Flagler County Employee Handbook – A Guide for Our Employees with Jennifer Stagg. I reread the section on frequent absenteeism and informed her that repetitive behavior of frequent absenteeism or frequent tardiness could lead to disciplinary action up to and including discharge. She refused to sign the MEMORANDUM OF RECORD, stating that we had reviewed this section together.
- On October 17, 2016, Jennifer missed work because "I need to try to take a day off, Not least of which because I kicked my foot on the couch last night & it hurts to walk. My hours for Friday, Saturday & Sunday are on the sign in sheets. I am monitoring my emails. If you need me you can call. But please try to use the county resources around you first. This is me saying I need a break & I hope you understand. The most productive thing I feel I can do is rest at this point."
- On October 20, 2016, I was informed by Heather Wilson at 8:47am that Jennifer would not be coming in today due to not feeling well. No phone call was provided or email to notify me of her absence or any information as to when she might be expected to return to work.
- On October 21, 2016 Jennifer missed work with no phone call or email. Again, no information as to when she might be expected to return, nor a reason for this absence.

Section 13, Group 3, number 7: Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of a supervisor.

(Insubordination in many instances is a terminable offense, particularly when an employee exhibits disrespectful, violent or counterproductive behavior.) There's a fine line between insubordination, gross insubordination and insolence of an employee.

Insubordination is when an employee fails to obey a direct and specific order. It's a lesser offence than gross insubordination.

Gross insubordination is an employee's deliberate defiance of your authority. They breach a basic duty to be compliant and refuses to follow reasonable instructions. They intentionally challenge your authority and makes continued employment unbearable. And an employee is **insolent** when they fail to show respect.

- Jennifer's refusal to come into work on time after reviewing the **Attendance and Punctuality** portion of the Flagler County Employee Handbook – A Guide for Our Employees with her supervisor on August 5, 2016, shows her blatant disregard for following instructions properly.
- Jennifer's refusal to come into work on time after determining an agreed upon time schedule of 8:00 AM to 5:00 PM, on August 10th @ the 3:00 PM Division Meeting with Anita Stoker present to verify the hours chosen by all Emergency Management Employees, shows her continued non-compliance of complying with direct verbal instructions.
- Jennifer's refusal to come into work after reading the **Attendance and Punctuality** portion of the Flagler County Employee Handbook – A Guide for Our Employees with Jennifer Stagg on August 5, 2016, shows she will not abide by her supervisors instructions.
- Prior to Hurricane Matthew's arrival Jennifer served as the Planning Section Chief in the EOC on the Bravo shift. It was brought to my attention by the Incident Management

Team that she could not be accounted for on October 8th and October 9th in that role or capacity. This is a blatant refusal to perform the work assigned to her as part of the EOC Command Staff for Hurricane Matthew.

- Jennifer chose to work 9.5 hours on Sunday October 16, 2016 with no prior permission or authorization given to her to take this action. This is a direct sign of insubordination and inability to follow orders. She does not seek preapproval but instead takes actions that she feels is justified.
- Jennifer not showing up for work on days that she was scheduled for on both October 20th and 21st, are proof that she will not follow instructions unless she determines them. In addition she changed her schedule without authorization or any advance notice being given to her supervisor. No employees in this Division are given this authorization.

Section 13, Group 3, number 10: Immoral, unlawful, improper conduct or indecency which would tend to affect the employee's relationship to their job, fellow workers, reputation, or goodwill in the community.

- Jennifer's actions on October 6th – October 14th have caused un-repairable harm to the relationship with both her supervisor and her co-workers here in the County by speaking extremely negatively about both her supervisor and the County Administrator.
- Her actions showed a complete disrespect of her supervisor Stephen R. Garten and the County Administrator Craig Coffey while working October 6th – October 14th with the All-Hazards Incident Management Team assigned to Flagler County to work Hurricane Matthew.

Section 13, Group 3, number 21: Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the County, or its operation.

- Jennifer's statements on October 6th – October 14th to the Incident Management Team were willfully malevolent and caused distress to her direct supervisor to the point that he felt not only verbally abused, but also dishonored by the manner of behavior that was displayed.
- Her blatant contempt and disregard to decisions made by her superiors during October 6th – October 14th, put the entire mission of life, safety and health of the Incident Management Team and the EOC at risk do to unneeded distractions during a most pivotal time in the Emergency Management of Flagler County.

Section 13, Group 3, number 26: Conduct unbecoming a public employee (to include conduct whether on or off the job that affects the employee's ability to perform his current job, or which adversely affects the department's ability to carry its assigned mission).

- The County is committed to providing a work environment that provides employees equality, respect and dignity, not one of insubordination and dissent. Jennifer's behavior on October 6th – October 14th in front of the Incident Management Team was both unprofessional and adverse to the completion of the goals the IMT Team and EOC set for resolving Hurricane Matthew life, safety and health issues.

Based alone on your habitual behavior of Tardiness and Absenteeism that has occurred and been witness in just the past 7 months, I am recommending termination. In addition the information that has been communicated to me concerning your verbal correspondence on October 6th – October 14th, 2016 with the Incident Management Team and your decision to not report to work on October 20th & 21st, show conduct that consistently displays insubordination

and dissent. I'm convinced from the information given to me, and corroborated by other employees in both this and other departments throughout Florida that your repetitive mannerisms are non-corrective. I am recommending termination of your employment with Flagler County as an Emergency Management Planner. In this case you have the option to waive your right to a pre-disciplinary hearing and accept the recommended disciplinary action of termination.

☐

I waive my right to a pre-disciplinary hearing

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I want to exercise my right to a pre-disciplinary hearing

Acknowledgement of intent to terminate,



10-26-2016
Date

The determination of whether or not you will be terminated for these offenses will be at a Pre-disciplinary Hearing held by the County Administrator's designated representative, which is to be conducted on **Friday, October 28th, 2016 at 9:00 am** in the Flagler County Administration Conference room on the 3rd floor of the Government Services Building.

At the Pre-disciplinary Hearing, the Public Safety Emergency Manager and any witnesses he deems critical, will present their case as to why you should be terminated and you will be able to present your case. The provisions of the Personnel Policies and Procedures which govern a Pre-disciplinary Hearing are as follows:

"Pre-disciplinary Hearing - Prior to any suspension, demotion, or dismissal, an employee shall be given a pre-disciplinary hearing. All suspension, demotion and dismissal hearings shall be heard by the County Administrator or designee, with the County Attorney or designee available to provide advice and counsel. The County Administrator or designee shall render a decision within one working day."

The Deputy County Administrator, Ms. Sally Sherman, will be the County Administrators designated representative for this Pre-disciplinary Hearing.

Please govern yourself accordingly.