



IN RE: Pre-Suspension Hearing of Teresa Williams

THIS MATTER came before me 30th day of January, 2019, on the proposed suspension of Ms. Teresa Williams, relating to alleged violations of the City's *Personnel Policies and Procedures*. The hearing was attended by Ms. Williams, Planning Technician, Ray Tyner, Planning Manager, Wendy Cullen, Human Resource Director and the undersigned.

It is alleged that Ms. Williams 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, #12: *"Knowingly making or publishing false or untrue statements."*
- 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. Williams 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. Williams accepted gift(s), Ms. Williams' own admission verifies the acceptance.

It should be noted that not only did I read the ICE report, but I viewed the video related to the event. There are many things about this situation, and Ms. Williams' role in it, which I find extremely concerning. First is the number of gifts that were received into the Community Development Department by Ms. Williams. According to the interview conducted by the ICE Team, you stated that you knew that it was inappropriate to accept gifts as you were told by your supervisor, Tracey Doak. The fact that you not only accepted the alcohol over the counter, but hid the products under desks, in cabinets and under clothing demonstrates that you knew that the acceptance of gifts was wrong.

It is also worth noting that during the entire time you were receiving gifts of alcohol at your workstation, a citizen receiving assistance from Ms. DeFreitas was watching the entire process. It is not possible to over-emphasize that the appearance reflects poorly not only on you, but on the entire department, and the City as a whole. The fact that the contractor had a permit hold and attempted to address that hold at the same time he provided the gifts further adds to the perceived inappropriateness of the giving and accepting of the presents.

During the course of our conversation you provided me with some handwritten notes of your thoughts. I have read them, and although I can appreciate your perspective, I don't find any of the information therein to be sufficient mitigating circumstances to alter the recommended disciplinary action. The facts remain that you, and you alone, accepted multiple bottles of alcohol and boxes of chocolate into the City. At no point does it appear that you hesitated during the process and you concealed the gifts as soon as you received them, indicating you were aware of the inappropriateness of the event. At no point did you excuse yourself to find a supervisor, any supervisor, to provide you with guidance or support. You clearly hid alcohol under clothing in order to conceal their presence at and/or under your work station. Although the contractor in question appeared on your behalf at your meeting, the fact that he did not wish to create problems for employees does not alter the fact that you did accept those gifts.

I find it necessary to address your specific concern that your supervisor advised a fellow employee to return the gift and she did not provide that same advice to you. One notable difference is the other employee sought out the supervisor to report the event and you did not. According to the ICE Team report, you were interviewed on or about December 27th, 2018 but you did not return the gift until January 9th, 2019 and only because, "you heard everyone was returning theirs and wasn't previously given an opportunity to do so." I fail to see why you had to be told to bring it back, especially since you were already aware that an investigation was occurring.

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.

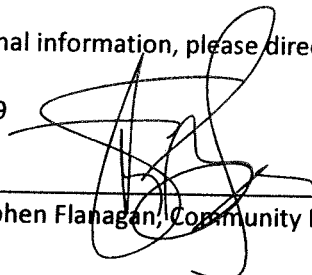
I find that the proposed disciplinary action, a five-day (5-day) unpaid suspension is consistent with the City of Palm Coast Personnel Policy and Procedures Manual and I uphold the recommended action.

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.


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DATED this 6th day of February, 2019



Stephen Flanagan, Community Development Director

ACKNOWLEDGMENT OF RECEIPT

Received:



Teresa Williams

IF REFUSED:

I hereby certify that I delivered the above letter to Teresa Williams on February 6th, 2019.

Printed Name: _____

Appeal due by Friday, Feb. 15, 2019