



DEPARTMENT OF HUMAN RESOURCES & ORGANIZATIONAL DEVELOPMENT
Edward G. Williams, Ph. D., Director

May 7, 2018

Geneane Merritt

11/7/17

Dear Ms. Merritt:

Pursuant to Section 11.2 (Grounds for Personnel Action) of the City's Personnel Policy, I am hereby notifying you that effective on the date of this letter, your employment with the City of Missouri City, as Police Lieutenant, ends for violation of Section 3.1 (Work Standards).

You are to immediately return all applicable department issued equipment, including keys, purchasing card, City Employee ID, or related items. Additionally, you are to refrain from accessing any/all Missouri City employee vendor portals, websites or similar. Furthermore, you are to discontinue use of passwords or related information that grants access to employee records or any City of Missouri City equipment. Also, you are not to enter any secured or employee only areas of any City of Missouri City property without an escort.

As prescribed in Section 13.3 (City Manager Consideration) of the City's Personnel Policy, I am hereby notifying you that have the right to appeal this decision to the City Manager.

You may also contact the City's Human Resources & Organizational Development Department to secure information on final pay (if applicable), and/or related information.

Sincerely,

Michael A. Berezin, Police Chief

ENCLOSURES: Section 11.2 (Grounds for Personnel Action); Section 3.1 (Work Standards); Section

C: Personnel File (Human Resources)

RECEIVED
MAY 07 2018
BY: _____

Revised to sum

Law
04/07/2018

13.3 City Manager Consideration

If the Department Director's decision is not acceptable to the employee, the employee may present the grievance(s) to the City Manager. This must be done in writing. The City Manager will conduct such additional fact-finding as he considers appropriate and will give a decision in writing. The City Manager shall have the absolute authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed. The City Manager's decision shall be final and binding on all parties concerned.

Notwithstanding any of the foregoing, the City Manager may, at his discretion, consider hearing a written grievance(s) that comes directly to him from an employee, giving due consideration to the sensitivity of the grievance, the employment history of the aggrieved party, the need for a timely decision, and other relevant factors. If the City Manager elects not to hear a grievance that comes directly to him from an employee, the employee shall be allowed to proceed through the chain of command where he left off as specified by this policy.

such participation, provided that the employee participates in accordance with the City's guidelines for participating in such training or program. Notwithstanding any other provision, such employee may be subject to disciplinary action for conduct other than possessing or using alcohol or drugs, including conduct associated with or arising out of his authorized possession or use of alcohol or drugs under this subsection.

CHAPTER 10: SMOKE-FREE WORKPLACE

10.1 Smoking Prohibition

In order to protect the health and welfare of City employees and volunteers, as well as the general public, all City-owned or operated buildings and facilities are declared "Smoke Free," thereby prohibiting the use or smoking of a burning tobacco product or e-cigarette, except as otherwise set forth in this policy. This includes lobbies, waiting rooms, conference rooms, break areas, work rooms and restrooms, but excludes City parks and other open air areas. Smoking is also prohibited within 25 feet outside of entrances, exits, and wheelchair ramps serving any entrance or exit; operable windows; and ventilation systems of enclosed areas where smoking is prohibited. A City employee or volunteer shall not smoke or use a burning tobacco product or e-cigarette when in contact with the general public on official business. The City Manager or his designee will resolve any conflict resulting from this policy, and the determination made by same shall be final.

10.2 Designated Smoking Areas and Notification of Policy

Outside smoking areas for employees and volunteers, away from the general view of the public, may be provided by the City Manager or his designee for each building and facility. Signs may be displayed at entrances to City buildings and other key areas stating that smoking is prohibited.

CHAPTER 11: DISCIPLINARY ACTION

11.1 Disclaimer

EMPLOYEES OF THE CITY SERVE AT THE WILL OF THE CITY MANAGER (OTHER THAN THE CITY SECRETARY AND THE CITY ATTORNEY, WHO SERVE AT THE WILL OF THE CITY COUNCIL) AND HAVE NO PROPERTY RIGHT IN THEIR EMPLOYMENT AND MAY BE DISMISSED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE. This Section describes disciplinary procedures generally, but the City reserves the right to combine or skip steps, or otherwise deviate or depart from these procedures in any manner, on a case-by-case basis.

11.2 Grounds for Personnel Action

The City Manager, or his designee, may take disciplinary action against an employee. Disciplinary action may be taken for conduct including, but not limited to, illegal, unethical,

abusive or unsafe acts; violation of City rules, regulations, policies or procedures, including this Personnel Policy; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of leave or other benefits; tardiness or absence without leave; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages while on duty; waste, damage, or unauthorized use of City property or supplies; unauthorized or improper use of official authority; on-duty or off-duty criminal conduct; and any other conduct which, in the opinion of the City Manager, is detrimental to the City. This is an illustrative list but does not include all reasons for disciplinary action against an employee, as it is impossible to list every possible scenario.

The City Manager, or his designee, may take other disciplinary action against an employee for unsatisfactory performance related to his job or position not directly due to a disciplinary problem. For example, a job may grow to the point that the employee in the job is no longer capable of performing the job in a fully satisfactory manner, or an employee may be promoted into a job beyond the apparent capability of the employee to satisfactorily perform. Or, it may be determined that an employee needs additional training or education before said employee can satisfactorily perform in a job. Or, an employee may cease to satisfactorily perform a job after performing satisfactorily for a time.

11.3 Formal Disciplinary Action

Formal disciplinary action shall include, but is not limited to, written reprimand, probation, suspension, reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon circumstances, and may be combined. All formal disciplinary action shall be permanently noted in the employee's official personnel file. An employee may be notified at any time that he may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands.

11.3.1 *Written Reprimand*

An employee may be reprimanded in writing. The written reprimand shall describe the deficiency or infraction involved and may state the likely consequences of further unsatisfactory performance or conduct.

11.3.2 *Suspension*

A Department Director may suspend an employee without pay for up to 30 calendar days in one calendar year. A written notice of suspension shall be given to the employee that describes the deficiency or infraction involved and may state the likely consequences of further unsatisfactory performance or conduct.

When an employee is under investigation for a crime or official misconduct or is awaiting a hearing or trial in a criminal matter, he may be suspended without pay for the duration of the

additional compensation. Temporary promotions shall not be used to circumvent normal selection procedures.

2.7.2 *Transfers*

A transfer is the assignment of an employee from a position within one job title to a position within another job title. A transfer not involving promotion or demotion may be effected upon approval by the appropriate Department Director, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between departments shall become effective following approval by the City Manager.

2.7.3 *Non-disciplinary Demotions*

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. With the approval of the Department Director, and if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his own request or when the City so desires. Such demotions shall not be considered disciplinary actions, nor shall they disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

CHAPTER 3:EMPLOYEE CONDUCT

3.1 Work Standards

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, professionalism, and economy in his work for the City. Department Directors shall organize and direct the work of their departments to achieve these objectives. If the work habits, attitude, production, or personal conduct of an employee fall below appropriate standards, counseling and warning the employee may precede formal disciplinary action, but nothing herein shall prevent immediate formal action.

3.2 Work Emails

All employees are required to use their City-issued email accounts to conduct City business. Employees are specifically prohibited from using their personal email accounts to conduct City business. If any City-business email gets sent to an employee's personal email account, the employee must immediately forward the email to the employee's City-issued email account and conduct any further City-business using the City-issued email account. Employees should be aware that any email containing City business is subject to the Texas Public Information Act, even if it was sent or received on the employee's personal email account.



Police

Michael A. Berezin
Chief of Police



To: Chief Michael Berezin
From: Assistant Chief Lance Bothell
Date: April 26, 2018
Ref: PSI Investigation #18-0004

I have reviewed the entire investigation and concur with Captain Poulton in his findings for all of the following policy violations:

Policy 10-01: Code of Conduct V. D. 5	Fail to be Honest/Untruthfulness (Sustained)
Policy 30-05: City Vehicles III. C. 5	Improper Use of City Vehicle (Sustained)
Policy 10-01 Code of Conduct V. D. 14	Fail to Report for Duty (Sustained)
Policy 40-10 Off-Duty Employment IV. B. 1	Working Unapproved Extra Job (Not Sustained)

This internal investigation focuses on the above listed policy violations committed by Lieutenant Merritt and observed or discovered by Captain Harris.

The most severe of these allegations is "Fail to be Honest / Untruthfulness". A sustained allegation with this charge impacts the effectiveness of the officer and casts a shadow over the department in all matters concerning this officer. Additionally, if a sworn officer is found to have been dishonest, they would in turn be placed on a "Brady List" with the District Attorney's Office and any past or future testimony by this employee may be brought into question possibly impacting the outcome of a trial and the integrity of the organization. It is clear after reading the investigation, and Merritt's own statement, she was dishonest, she admitted to being untruthful when questioned by Captain Harris on two separate occasions about her whereabouts on the morning of March 28, 2018. The first time was over the phone (recorded) and the second was a short time later face to face with Captain Harris. There was a third incident of dishonesty involving Merritt's attendance of a school. When questioned by Captain Harris, Lieutenant Merritt lied by omission when she did not tell him she missed the first day of a class that the city paid for, resulting in not receiving TCOLE credit for the out of town training.

The "Fail to Report for Duty" allegation is regarding her attendance, or more accurately, her non-attendance at an in-service school in Frisco, Texas. It is clear Lieutenant Merritt did not attend the first day of class and then extended her stay by an additional day to attend another class. Merritt thus incurred, on city p-card, an additional hotel night stay. As per city policy, all employees travelling for overnight travel must obtain approval from the Department Head or their designee. Lieutenant Merritt did not obtain approval from her immediate supervisor, Captain Harris. The same policy states that all employees



Police

Michael A. Berezin
Chief of Police



shall submit a post travel form to the accounts payable office upon return. This form was not completed.

The allegations of "Improper Use of a City Vehicle", "Working an Unapproved Extra Job" and an additional (discovered and uncharged) policy violation of "Failing to Notify Dispatch while working an Extra Job"; 40-10 – Off Duty Employment, IV. C. 6, revolve around Lieutenant Merritt working extra jobs. The investigation showed that Lieutenant Merritt did work an extra job at The Bayou City Event Center on March 24, 2018. She improperly used her assigned patrol vehicle and failed to notify dispatch of her status while working the job. Lieutenant Merritt advised Captain Poulton that she has worked the extra job at Saint Agnes, directing traffic, on average two days a week for the past three years (approximately 156 times she worked this extra job). There is only one (1) CAD entry of her notifying dispatch of her status and location while working this job. This means that 155 times she violated this policy by not notifying dispatch of her status and location, thus showing a clear disregard for Department Policy. I also checked Avail Web for Lieutenant Merritt's activity for March 2018. I found an additional three incidents where she used a city vehicle to travel to and from an extra job on Bellaire Blvd (March 1st, 22nd and 26th). It should be noted that Avail Web only became a resource in early March of 2018. When asked about these particular policy violations, Lieutenant Merritt simply nodded, acknowledging the issue.


The charge of "Working an Unapproved Extra Job" was not sustained because it was discovered during the investigation the extra job in question had been had been submitted for approval and approved three years ago.

The significance and importance of being truthful is stressed to all employees from the entry level test and throughout their careers. Captain Poulton stated in his investigation, the policy violations concerning the extra job incident and the in-service school incident are not egregious. I disagree with this statement. The sheer number of times Lieutenant Merritt violated policy are egregious. Lieutenant Merritt's repeated policy violations coupled with the Untruthfulness, brings into question her decision making ability, her willingness to adhere to rules and regulations and her integrity to remain a member of this department.

The importance of being honest in this profession cannot be stressed enough. Lieutenant Merritt had no legitimate reason to lie to Captain Harris and even had the chance to correct things and tell the truth when she and Captain Harris spoke in person in his office and she chose not to, instead repeating the same lie.

Captain Poulton recommends that Lieutenant Merritt be separated from the department. I agree with this recommendation.


Lanae Bothell, Assistant Chief of Police

Approved

Date: 05/04/2018



Police

Michael Berezin
Chief Administrator



Memorandum

To: Chief M. Berezin
From: Captain Paul Poulton
CC: Asst. Chief L. Bothell
Date: April 26, 2018
Re: PSI #18-0004 Investigative Report

INTRODUCTION

This Internal Affairs Division investigative report responds to the administrative inquiry initiated by the Chief of Police against Lieutenant Geneane Merritt, Employee #790, of the Missouri City Police Department Patrol Division.

The Chief of Police's allegations against Lieutenant Merritt are:

Policy 10-01 Code of Conduct V.D.5 (Fail to be Honest/Untruthful)
Policy 30-05 City Vehicles III C. 5 (Improper Use of City Vehicle)
Policy 10-01 Code of Conduct V.D.14 (Fail to Report for Duty)
Policy 40-10 Off Duty Employment IV.B1 (Working Unapproved Extra Job)

The alleged policy violations took place on or about February 6-8, 2018 and March 24-28, 2018.

DISCOVERY

The policy violations were brought forth after Captain Harris was checking Avail web for Patrol Lieutenant's activity. He became aware of abnormal activity and had a conversation with Lieutenant Merritt, which created the additional policy violations.