

**Louisville Metro Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> Officer Tracy Dotson	<b>Date:</b> 4/21/2021	<b>Location Assigned:</b> [REDACTED] <b>Shift:</b> [REDACTED] ✓ <b>Off Days:</b> [REDACTED]
<b>Union Affiliation:</b> FOP	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Unit Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or Metro policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 13 d, i	Searches and contraband Personal cell phone
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 5, b	Dereliction of Duty Failure to Obey an Order
3.	

**Violation Date(s): Please list each date per occurrence.**

4/21/2021

**A brief description of the violation(s): Please state facts only.**

On the above date Officer Tracy Dotson was assigned to assist with an inmate vaccination detail at the main jail complex. I noticed that Officer Dotson had a cell phone in a side pocket of his pants. I asked Officer Dotson if he was authorized to have the cell phone in the security area. Officer Dotson told me that I should know. I informed him that I did not know and asked him again if it was authorized. Officer Dotson told me that I should go find out. I then instructed him to go see Deputy Director Baker about the cell phone. He told me that he was not going to do that. Officer Dotson was instructed to exit the area and that he was not needed for the detail.

**ENTERED**

JUN 11 2021

Initials: BB

W, 6/9/21 @ 2:45p

Preparer's Name: Captain Darrell Goodlett

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a Meeting)
- Written (Not entitled to a Meeting)
- Suspension 0205 Days 5/12/21
- Demotion
- Termination

Authority: J. Collins

Date: 4/22/21

Meeting Requested:  Yes  No

Employee Signature & Date:

[Signature] 5-12-21

Union Steward/Witness & Date:

[Signature] 5-12-21

Issuing Supervisor's Printed Name

Date

[Signature] 5/12/21

Issuing Supervisor's Signature

Date

[Signature] 5-12-21

If you are experiencing a personal problem affecting your professional conduct, you are urged to contact Metro's Employee Assistance Program (EAP) provider to receive expert, confidential counseling to assist in resolving any potential needs at (800) 779-9327 or online at [www.stueckerandassoc.com/lmg](http://www.stueckerandassoc.com/lmg).

**Meeting Results**

Results of the Meeting: (If applicable)

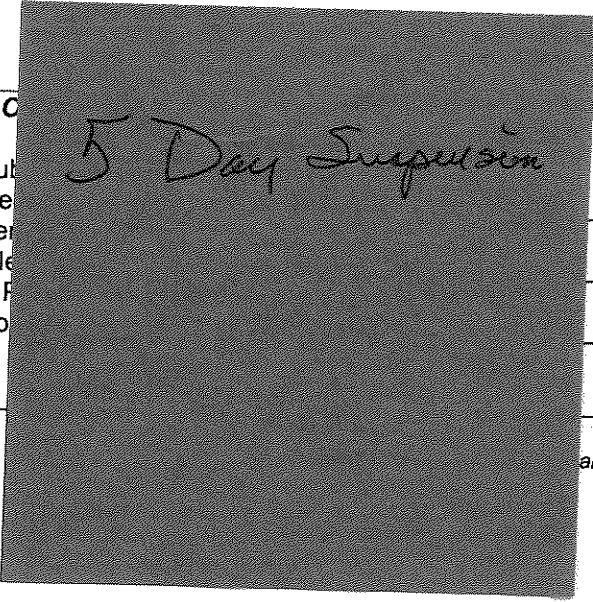
Sustained     Dismissed     Referred to Counseling

Reduced to: MB ~~3 Day Suspension~~ 5 Day Suspension

Date of Review: 6/9/21    Union Representative's Signature: Magneto  
Mark C. Bl

**For Human Resources Use Only**

- Meeting results submitted
- Metro HR consulted
- Meeting results sent
- Discipline schedule
- Data entered into F
- Copy of final dispo

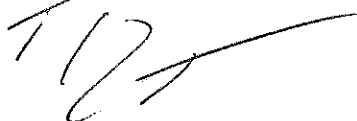


**May 12 2021**

This DAN is blatant and obvious harassment and retaliation for my notifications to LMDC and Metro HR on ongoing incidents of harassment by LMDC leadership inflicted upon me. The phone in question is an authorized FOP phone, easily verified through documentation that Capt Goodlett should have done before discipline was issued. Capt Montgomery has already went on record with Dep Dir Baker that Capt Montgomery stated on the scene that there would be no visit to the admin office during this incident. I have already advised LMDC and Metro HR of this incident and its relation to my previous complaints and have received no response. Other than this false and patently untrue disciplinary action notice.

Ofc Tracy Dotson

May 12 2021.

A handwritten signature in black ink, appearing to read 'T Dotson', written over the typed name and date.



## harassment

Dotson, Tracy D <Tracy.Dotson@louisvilleky.gov>

Fri 4/23/2021 9:25 AM

To: Thompsons, Shannon <Shannon.Thompkins@louisvilleky.gov>

Cc: Baltimore, Deandra L <Deandra.Baltimore@louisvilleky.gov>; Johnson, Daniel P

<Daniel.Johnson@louisvilleky.gov>; Wise, Joe <Joe.Wise@louisvilleky.gov>; James, David A

<David.James@louisvilleky.gov>; Greg Fischer\_(Mayor) <Greg.Fischer@louisvilleky.gov>; Clark, Dwayne A.

<Dwayne.Clark@louisvilleky.gov>

ma'am,

I am assigned to the training division of Metro Corrections. On March 24 my supervisor, Sgt Combs, said he had been asked by our admin to come downtown and help with pulling inmates at the jail for covid vaccinations. He asked me if I wanted to go and I said no because I had work to do at training. Sgt Combs said that was fine. When Sgt Combs arrived downtown he was accosted immediately by Capt Darrel Goodlet who asked him, "where's Tracy" referring to me. Sgt Combs told Capt Goodlet that he allowed me to stay at training and do my job. Capt Goodlet then loudly berated Sgt Combs and questioned his supervisory capacity and accused Sgt Combs of failing in his role as a supervisor. Capt Goodlet stated "this is why people say Dotson runs training because you allow him to do whatever he wants to do." this took place in front of several subordinate staff.

On April 21, Training was again asked to come downtown to assist with inmate covid vaccinations. This time Sgt Combs had me attend. I was with my partner, Ofc Bolton, and my Captain, Capt Montgomery. When we arrived on the 3rd floor to begin the detail I waved at Capt Goodlet and reported in that I was present. I did not want my Sgt to be yelled at again in front of subordinates so I made sure to report in. Capt Goodlet immediately walked over to me, entered my personal space and looked me up and down. Noticing that I had a cellphone in my pocket, he loudly asked me if my cellphone was authorized to be in the jail. I said, yeah but you can go check. Capt Goodlet was not happy with that answer and continued to question me about my phone. He was very abrupt and antagonistic and this was happening in front of approx 20 staff and inmates and I wanted to end this embarrassing interaction so I again told Capt Goodlet that he was free to check on the validity of my cellphone and turned away from him. Capt Goodlet then ordered my Capt Montgomery to escort me off the jail floor and be taken to Deputy Director Martin Baker's office. Capt Montgomery refused to do this and told Capt Goodlet that we were just there to help out and where could we get started. Capt Goodlet then told the training staff that we weren't needed and to leave. So we left.

Capt Goodlet was 30 feet down the hallway when I arrived and reported in. There was no way for him to know I had a cellphone in my pocket until he walked into my personal space. He walked over to me with the intention of creating a confrontation. This took place in front of over a dozen staff and inmates. There was a private office 10 feet away he could have asked me to step into if he felt the need to correct me. Capt Goodlet's sole intention was to upbraid and embarrass me in any way he could in a public fashion. My cellphone has been

authorized to be in the jail for many years as FOP President and as a current FOP board member.

On april 24 I was notified by my Capt Montgomery that Major Collins called him to inform him that I had a disciplinary action notice written up on me from Capt Goodlet for this incident. Capt Goodlet created a confrontation with me in front of numerous staff and inmates. Capt Goodlet is friends with, and reports directly to, Major William Ashby. I currently have a harassmt grievance lodged against Major Ashby. [REDACTED]

[REDACTED] Capt Goodlet's March 24 statement to my Sgt about me "running training and doing whatever I wanted" coupled with his behavior towards me on April 21 reeks of harassmt and retaliation and a desire to "put me in my place" in retribution for what his friend and immediate supervisor, Major Ashby, is currently experiencing.

The harassmt and hostile working environment I am experiencing, [REDACTED] [REDACTED] from Metro Corrections and its commanders is becoming untenable.

Ofc Tracy Dotson  
4-23-2021

# What is “Just Cause”?

- The violated policy or directive must be reasonably related to orderly, efficient, and safe operations.
- Management must make a fair and objective investigation of the facts, prior to administering any discipline; where immediate action is required, however, an employee could be placed on suspension pending the outcome of an investigation. Specific provisions vary slightly between departmental, Metro Government personnel policies, and various union contracts.

# What is “Just Cause”?

- Management’s rules, orders, and disciplinary action must be applied in a consistent and non-discriminatory manner. If enforcement of management’s rules has been lax in the past and management desires to rectify the situation, discipline cannot be initiated without adequately forewarning the employees. If the rule is intended to apply to all those within a department, division or other work unit, it must then be consistently applied to all affected employees.

# Investigation Prior to Disciplinary Action Meeting

- Supervisors shall meet with employees and investigate any discrepancies prior to issuing discipline.
- In most cases, the supervisor preparing the ECF/DAN shall be the person that supervises the employee in question. It is acceptable for other employees who witnessed an incident or behavior to prepare incident reports, if the supervisor was not involved in the incident.
- Discipline shall be administered in a timely fashion as set forth by the appropriate collective bargaining agreement, where applicable.

## What is “Just Cause”?

- There must be substantial, persuasive, evidence that the employee has committed the alleged acts. The standard of proof will vary depending on the type of charge involved; however, the evidence cannot consist of mere rumors or unsupported accusations.

METRO CORRECTIONS  
DIRECTOR'S OFFICE

MAY 12 2021

RECEIVED BY: *AM*

**Spencer, Anita M**

**From:** Spencer, Anita M  
**Sent:** Thursday, June 10, 2021 2:39 PM  
**To:** Dotson, Tracy D; Brown, Robert; McNeese, Darrel R.; Hale, Derek L; Miller, Phillip D.  
**Cc:** Bland-Tunstull, Wanice N; Nunnally, Duane K.; Burggraf, Brandie J.  
**Subject:** Suspension Notice

Tracy Dotson received a 5 day(s) suspension from a disciplinary action received on 04/21/2021.

Please schedule their suspension within 7 days of the date of this notice.

04/21/2021:

**Meeting Results**

Results of the Meeting: (If applicable)

Sustained     Dismissed     Referred to Counseling

Reduced to: 3 ~~Day~~ suspension 5 Day suspension

Date of Review: 6/9/21    Union Representative's Signature: [Signature]

Director/Designee Signature: [Signature]

**For Human Resources Use Only:**

- Meeting results submitted to LMDC HR.
- Metro HR consulted on Meeting results a
- Meeting results sent to supervisor. Date:
- Discipline scheduled by supervisor or pro
- Data entered into PeopleSoft. Date: \_\_\_\_\_
- Copy of final disposition to employee disc

Page 2 of 2

5 Day Suspension

Please notify the employee, Wanice Tunstull, Duane Nunnally, and Brandie Burggraf in writing of the date(s) the suspension will be served, noting off-days and the return to work date.

Suspension dates may be scheduled according to the needs of the unit.

Thank you,

Anita



**Spencer, Anita M**

**From:** Spencer, Anita M  
**Sent:** Thursday, June 10, 2021 2:40 PM  
**To:** Montgomery, Michael; Brown, Robert; McNeese, Darrel R.  
**Subject:** FW: Suspension Notice

Capt. Montgomery,

Please see Attached for Ofc. Dotson suspension.

Anita

**From:** Spencer, Anita M  
**Sent:** Thursday, June 10, 2021 2:39 PM  
**To:** Dotson, Tracy D <Tracy.Dotson@louisvilleky.gov>; Brown, Robert <Robert.Brown@louisvilleky.gov>; McNeese, Darrel R. <Darrell.McNeese@louisvilleky.gov>; Hale, Derek L. <Derek.Hale@louisvilleky.gov>; Miller, Phillip D. <Phillip.Miller@louisvilleky.gov>  
**Cc:** Bland-Tunstull, Wanice N <Wanice.Tunstull@louisvilleky.gov>; Nunnally, Duane K. <Duane.Nunnally@louisvilleky.gov>; Burggraf, Brandie J. <Brandie.Burggraf@louisvilleky.gov>  
**Subject:** Suspension Notice

Tracy Dotson received a 5 day(s) suspension from a disciplinary action received on 04/21/2021.

Please schedule their suspension within 7 days of the date of this notice.

04/21/2021:

**Meeting Results**

Results of the Meeting: (If applicable)

Sustained     Dismissed     Referred to Counseling

Reduced to: 3 ~~Day~~ ~~Suspension~~ 5 Day Suspension

Date of Review: 6/9/21    Union Representative's Signature: Michael

Director/Designee Signature: Anita M. Spencer

**For Human Resources Use Only:**

Meeting results submitted to LMDC HR.  
 Metro HR consulted on Meeting results a  
 Meeting results sent to supervisor. Date:  
 Discipline scheduled by supervisor or pro  
 Data entered into PeopleSoft. Date: 5 Day Suspension  
 Copy of final disposition to employee disc

Please notify the employee, Wanice Tunstull, Duane Nunnally, and Brandie Burggraf in writing of the date(s) the suspension will be served, noting off-days and the return to work date.

Suspension dates may be scheduled according to the needs of the unit.

Thank you,

Anita

**Louisville Metro Department of Corrections  
Disciplinary Action Notice (DAN)**

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<b>Employee Name and Title:</b> <i>Dotson, Tracy</i>	<b>Date:</b> <i>12/01/2020</i>	<b>Location Assigned:</b> [REDACTED] <b>Shift:</b> [REDACTED] <b>Off Days:</b> [REDACTED]
<b>Union Affiliation:</b> <i>FOP</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Unit Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or Metro policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02 Employee Code of Ethics and Conduct	A, 5 a and b
2.	
3.	

**Violation Date(s): Please list each date per occurrence.**

*8/26/2020*

**A brief description of the violation(s): Please state facts only.**

Officer Dotson, you admitted in both handwritten incident report as well as PSU interview that you were frustrated with Recruit [REDACTED] and lost your cool resulting in the use of unprofessional language. HR Supervisor Ms. Wanice Bland-Tunstull was close enough to hear what was being said by you. Ms. Bland-Tunstull reported hearing you tell Recruit [REDACTED] "Fuck you, I don't like you" and "I don't care". You admitted to using profanity when speaking to Recruit [REDACTED]. This type of demeaning, disrespectful, humiliating behavior is not and will not be tolerated whether directed towards inmates, staff or recruits. Instructors are expected to ready recruits for all aspects of being a Corrections Officer but this type behavior holds no training value. You also admitted your language was from losing your cool and becoming irritated. Further behavior of this nature will not be tolerated.

**ENTERED**

DEC 31 2020

Initial: AS

*W, 12/16/20 @ 11:30*

<b>Preparer's Name:</b> William AShby	
<b>Continuation of violation description:</b>	
<b>Recommended Action: (Choose One)</b> <input type="checkbox"/> Verbal (Not entitled to a Meeting) <input type="checkbox"/> Written (Not entitled to a Meeting) <input checked="" type="checkbox"/> Suspension <u>1</u> Days <input type="checkbox"/> Demotion <input type="checkbox"/> Termination	<b>Meeting Requested:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <b>Employee Signature &amp; Date:</b> <u>[Signature]</u> <u>12-2-2020</u>
<b>Authority:</b> <u>[Signature]</u> <u>1 Dec 20</u>	<b>Union-Steward/Witness &amp; Date:</b> <u>[Signature]</u> <u>12-2-20</u>
<b>Issuing Supervisor's Printed Name</b> <u>[Signature]</u> <u>2 Dec 20</u> <b>Date</b>	<b>Issuing Supervisor's Signature</b> <u>[Signature]</u> <u>12-2-20</u> <b>Date</b>

If you are experiencing a personal problem affecting your professional conduct, you are urged to contact Metro's Employee Assistance Program (EAP) provider to receive expert, confidential counseling to assist in resolving any potential needs at (800) 779-9327 or online at [www.stueckerandassoc.com/lmq](http://www.stueckerandassoc.com/lmq).

### Meeting Results

Results of the Meeting: (If applicable)

Sustained     Dismissed     Referred to Counseling

Reduced to: \_\_\_\_\_

Date of Review: 12/16/20

Union Representative's Signature: [Signature]

Director/Designee Signature: [Signature]

TDR #401

[Signature]

[Signature]

### For Human Resources Use Only:

- Meeting results submitted to LMDC HR. Date: \_\_\_\_\_
- Metro HR consulted on Meeting results and/or EAP referral. Date: \_\_\_\_\_
- Meeting results sent to supervisor. Date: \_\_\_\_\_
- Discipline scheduled by supervisor or processed. Date: \_\_\_\_\_
- Data entered into PeopleSoft. Date: \_\_\_\_\_
- Copy of final disposition to employee disciplinary file. Date: \_\_\_\_\_

**Louisville Metropolitan Department of Corrections  
Employee/Supervisor Conference Form**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b>  <i>Tracy Dotson-Officer</i>	<b>Date:</b>  <i>March 23, 2017</i>	<b>Area Assigned:</b> [REDACTED]  <b>Shift:</b> [REDACTED]
<b>Union type:</b>  <i>FOP Line</i>	<b>Category of Violation:</b> <input type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**Type of Correspondence:** (Choose One)

- Memorandum of Record (Non-disciplinary)**  
*Documentation of a conversation that is clarifying a procedure, process, etc.*
- Memorandum of Instruction (Non-disciplinary)**  
*Documentation that identifies a behavior that was incorrect and offers corrective behavior. This is an alternative to a verbal warning and may be used when the supervisor is unsure of employee's knowledge of the subject matter.*

**Topics Discussed/Work Performance:** *(Goals met/progress toward goals, fact finding, training needs, etc.)*

*You were involved in a recent HIP situation that may have interfered with the HIP command and supervisor's instruction to HIP staff. In this situation your actions caused unwarranted delay in the HIP staff following the instructions of their supervisors. If this is factual it cannot happen again and if it does then disciplinary action may be warranted.*

**Metro Corrections**  
APR 05 2017  
**FILED**

**ENTERED**

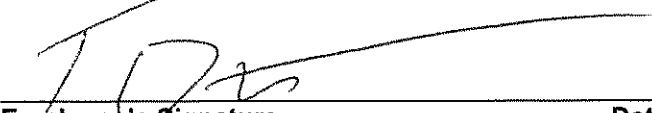
APR 04 2017

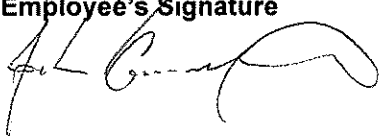
Initial: AS

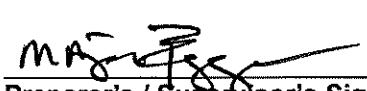
**Employee Comments:** *(Developmental plan, response to fact-finding, other critical information)*

**Plan of Action:**

**My signature acknowledges that I have received and reviewed a copy of this document.**

  
\_\_\_\_\_  
**Employee's Signature** **Date**



 3/29/17  
\_\_\_\_\_  
**Preparer's / Supervisor's Signature** **Date**

MAJAN EGGER S  
\_\_\_\_\_  
**Preparer's Printed Name**

*\*Note: The supervisor is responsible for forwarding the original signed copy to the Personnel Administrator and it is the supervisor's responsibility to notify the appropriate supervisors.*

C: Employee  
Personnel Administrator

**Louisiana Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

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<b>Employee Name and Title:</b> <i>Officer Tracy Dotson</i>	<b>Date:</b> <i>03/27/13</i>	<b>Area Assigned:</b> <b>Shift:</b> [REDACTED]
<b>Union type:</b> <i>FOP Line Staff</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (if applicable)</b>
1. 01-3.02, Employee Code of Ethics and Conduct, VI, A, 1, e	Personnel shall not violate any . . . lawful orders from any person to which they are subordinate
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 1, a	Compliance with Orders
3. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 2, a	Conduct Unbecoming

**A brief description of the violation(s):**

On 3/27/13 Ofc. Dotson was assigned to main control. Ofc. Dotson posted policy 03-2.02, Access to Records-Property and I.D. Lab, which states, "The Records Department and the Identification Lab shall not be used as a passageway from the public side of the building to the security side or vice-versa" at the security door leading from the booking floor to records. When pretrial employee Samantha Ravenscroft attempted to access the door from the booking floor to records Ofc. Dotson refused to let her through. I was notified of the situation. Ravenscroft informed me that pretrial employees had been given permission by the administration to access these doors to enter and exit the jail. I spoke with Ofc. Dotson about the situation and instructed him to allow pretrial employees access to records until I could clarify with the administration whether or not they were allowed to enter and exit through these doors. Ofc. Dotson informed me that he would not follow the order to allow pretrial employees through these doors because I was ordering him to violate policy. When Ofc. Dotson informed me that he would not allow pretrial employees access through records I had him reassigned to exterior control for the remainder of the shift. Samantha Ravenscroft then provided me with a copy of an email from Chief of Staff Clark dated 7/19/2012 which states "Effective today and until further notice pretrial staff are allowed to access the booking floor for work purposes by way of records office."

Policy 03-2.04, Security Doors, states "Security perimeter doors and fire perimeter doors of the facilities shall remain closed and in the locked position unless being utilized or otherwise authorized by the Captain or above." Policy 03-2.04 gives captains and above authority to authorize the use of security doors.

FILED APR 15 2013

**Preparer's Name:** Captain Darrell Goodlett



**Continuation of violation description:**

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing) *(JMS)*
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Hearing Requested:  Yes  No  
(Teamster & AFSME only)

*Paul A #401* 4-2-13  
Employee Signature & Date:

*T. Deering* 4-2-13  
Union Steward/Witness & Date:

*Capt. Goodlett* 4-2-13  
Issuing Supervisor's Printed Name Date

*Capt. Goodlett* 4-2-13  
Issuing Supervisor's Signature Date

**Hearing Results**

**Results of the Board: (If applicable)**

- Sustained  Dismissed  Referred to Counseling
- Reduced to: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

Board Chairman's Signature: \_\_\_\_\_

**For Human Resources Use Only:**

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
MAY 06 2013  
D.HELMS

FILED APR 15 2013  
Page 2 of 2

## Jefferson County Corrections Department Disciplinary Action Notice (DAN)

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <p style="text-align: center;"><i>Ofc. Tracy Dotson</i></p>	<b>Date:</b> <p style="text-align: center;"><i>February 18, 2013</i></p>	<b>Area Assigned:</b> <p style="text-align: center;"><b>Shift:</b> <span style="background-color: black; color: black;">[REDACTED]</span></p>
<b>Union type:</b> <p style="text-align: center;"><i>FOP Sworn</i></p>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> <div style="background-color: black; width: 100px; height: 15px; margin: 5px auto;"></div>

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 01-3.02 Employee Code Ethics and Conduct	VI. B2(a)(b)(c) Conduct Unbecoming
	VI. B8f General Rules of Conduct
2. 01-3.02 Employee Code of Ethics and Conduct	VI. B13(d)(i) Searches and Contraband
3.	

**A brief description of the violation(s):**

While reviewing video footage, it was discovered that you, Ofc. Dotson had your cell phone in Main Control of the Jail Complex. You admit that you brought your cell phone inside of the control room to read books; also you did not dispute the fact that you violated departmental policy.

Policy states that the following items, to include but not limited to, shall be considered contraband for the staff assigned to secure areas, and shall not be permitted within the security perimeter unless authorized by the Director/designee: personal cell phones.

The Control Officer is one of the most vital parts of security and it is essential that the operator stays focused and alert. Your actions jeopardized the safety of other staff members, inmates, and the entire security of the facility.

Your actions did not display good judgment and you showed disregard for your job and the responsibilities that are included.

Further incidents such as this will not be tolerated by the department and will result in further disciplinary.

FILED APR 15 2013

*27246*

Preparer's Name: Lt. E. Davis #210

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

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<b>Employee Name and Title:</b> Ofc. Tracy Dotson	<b>Date:</b> 2/6/2013	<b>Area Assigned:</b> Shift: [REDACTED]
<b>Union type:</b> FOP Line Staff	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input checked="" type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.04 Absenteeism Management, Sec. H 6	Absenteeism Management Corrective Process
2.	
3.	

**A brief description of the violation(s):**

Officer Dotson you received a Disciplinary Action Notice (DAN) on May 28, 2012. After a review of you time and attendance you have had 1 more occurrence. The date is as follows:

Sick  
1/15-16/2013 (has doctor note)

Any future sick call or unexcused tardy will result in further disciplinary action.

FILED APR 15 2013 27246

**Preparer's Name:** Lt. I. Troutman

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension 1 Days *(circled)*
- Demotion
- Termination

Hearing Requested:  Yes  No

Mr J K #401 2-21-13  
Employee Signature & Date:

S Co 2-21-13  
Union Steward/Witness & Date:

L. N. Norris  
Issuing Supervisor's Printed Name      Date

JH 70 # 215 21 Feb 13  
Issuing Supervisor's Signature      Date

Hearing Results

Results of the Board: (If applicable)

- Sustained       Dismissed       Referred to Counseling

Reduced to: Written - DA did not request a union rep <sup>TDS</sup>

Date of Hearing: 3/1/2013      Union Representative's Signature: Mr J K #401

Board Chairman's Signature: Dwayne A. Clark

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
MAR 04 2013  
D.HELMS

FILED APR 15 2013

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing) *WMA*
- Suspension 1 Days
- Demotion
- Termination

Hearing Requested:  Yes  No  
(Teamster & AFSME only)

*[Signature]* 2-20-13

Employee Signature & Date:

*[Signature]* 2-20-13

Union Steward/Witness & Date:

L. N. Norris 20 Feb 13  
Issuing Supervisor's Printed Name Date

[Signature] #215 20 Feb 13  
Issuing Supervisor's Signature Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling

Reduced to: I did not request a union rep TWD

Date of Hearing: 3/1/2013 Union Representative's Signature: [Signature]

Board Chairman's Signature: [Signature]

ENTERED W.B.  
MAR 04 2013  
D. HELMS

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

FILED APR 15 2013

5/23/12 written  
for sick  
abuse

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Tracy Dotson</i>	<b>Date:</b> <i>5/23/2012</i>	<b>Area Assigned:</b> <b>Shift:</b> [REDACTED]
<b>Union type:</b> <i>FOP Line Staff</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input checked="" type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.04 Absenteeism Management, Sec. H 6	Absenteeism Management Corrective Process
2.	
3.	

**A brief description of the violation(s):**  
Officer Dotson you received a Disciplinary Action Notice (DAN) on August 10, 2011. The DAN states that any future sick calls without a doctor's statement or unexcused tardies will result in further disciplinary action. You called in sick on May 16-18, 2012 and did not turn in a doctor's note.

**Any future sick call without a doctor's statement or unexcused tardy will result in further disciplinary action.**

FILED JUL 17 2012

*27246*

**Preparer's Name:** Lt. I. Troutman

<b>Continuation of violation description:</b>	
<b>Recommended Action: (Choose One)</b> <input type="checkbox"/> Verbal (Not entitled to a hearing) <input checked="" type="checkbox"/> Written (Not entitled to a hearing) <input type="checkbox"/> Suspension _____ Days <input type="checkbox"/> Demotion <input type="checkbox"/> Termination	<b>Hearing Requested:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(Teamster &amp; AFSME only)</small> <u>T. Dotson #401</u> <u>5-27-12</u> <b>Employee Signature &amp; Date:</b> <u>T. Deering #399</u> <u>5-29-12</u> <b>Union Steward/Witness &amp; Date:</b>
<u>Capt C Chapman #104</u> <u>5/29/12</u> <b>Issuing Supervisor's Printed Name      Date</b>	<u>Capt C Chapman #104</u> <u>5/29/12</u> <b>Issuing Supervisor's Signature      Date</b>

**Hearing Results**

**Results of the Board: (If applicable)**

Sustained     
  Dismissed     
  Referred to Counseling     
 **FILED JUL 17 2012**

Reduced to: \_\_\_\_\_

**Date of Hearing:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**Board Chairman's Signature:** \_\_\_\_\_

---

**For Human Resources Use Only:**

Enter in the computer  
 Letter supplied to supervisor after the hearing  
 Suspension scheduled  
 Metro Human Resource Consulted on suspensions and/or EAP referral  
 Copy of final disposition to personnel file  
 Copy placed in employee's file

ENTERED W.B.  
 JUN 01 2012  
 D. HELMS

Page 2 of 2



**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> Ofc. Tracy Dotson	<b>Date:</b> 20Oct2011	<b>Area Assigned:</b> [REDACTED]
<b>Union type:</b> FOP Line Staff	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Shift:</b> [REDACTED]
		<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02 Employee Code of Ethics and Conduct	A. Code of Ethics, 4. a. (see below)
	B. Code of Conduct 1. a. and 5. ix. (see below)
2.	
3.	

**A brief description of the violation(s):**

On 20Oct2011 at 0042hrs I arrived on 4N and observed that you were not assisting with linen exchange as previously instructed to all mobile positions. I contacted you via radio and requested you to report to the 4<sup>th</sup> floor. After you arrived, you stated in a loud and disrespectful voice "I don't appreciate being yelled at and disrespected over the radio" and then you went on to mimic my earlier radio transmission to you. You began walking around and repeated yourself with both staff and inmates present. I advised you to be quiet and that we would discuss this in the sergeant's office. You continued to talk over me stating you weren't going to be disrespected or talked to like a kid. I repeated my instructions adding that we were not going to discuss this in front of staff and inmates. You then stated, in a disrespectful tone, "You're right...we are going to discuss this." Sergeant Eubanks also had to instruct you to stop talking and go to the sergeant's office. You dismissed both our request and walked towards the passage to the south side of the building. As we arrived in the sergeant's office from the north side elevator you walked in to the sergeant's office from the south side elevator.

You have previously been verbally counselled about the disrespectful behavior that you display towards me in front of staff and inmates. This type of behavior will not be tolerated.

**Policy violations-**

01-3.02 Employee Code of Ethics and Conduct

A. Code of Ethics

4. Behavior

a. Personnel shall conduct themselves with co-workers, the public and inmates in a respectful and courteous manner.

B. Code of Conduct

1. Compliance with Orders

a. Any employee who willfully disobeys or disregards the direct order of a supervisor, whether oral or written, shall be considered insubordinate.

5. Dereliction of Duty

ix. Failure to perform duties without a valid reason;

27246

**Preparer's Name:** Sgt. Jim Kitts

**Continuation of violation description:**

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

*Handwritten note:* Not Entitled NA  
10/27/11

**Hearing Requested:**  Yes  No  
*(Teamster & AFSME only non-union refer to personnel policy 15.1)*

T Dotson #461 11-4-11  
**Employee Signature & Date:**

LT. J. EUBANKS 11-4-11  
**Union Steward/Witness & Date:**

Lt. C. Rowe 11-4-11  
**Issuing Supervisor's Printed Name Date**

Lt. C. Rowe 11-4-11  
**Issuing Supervisor's Signature Date**

**Hearing Results**

**Results of the Board: (If applicable)**

- Sustained     Dismissed     Referred to Counseling

Reduced to: \_\_\_\_\_

**Date of Hearing:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**Board Chairman's Signature:** \_\_\_\_\_

**For Human Resources Use Only:**

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
NOV 15 2011  
GHELMs

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> Tracy Dotson	<b>Date:</b> August 10, 2011	<b>Area Assigned:</b> [REDACTED] Shift: [REDACTED]
<b>Union type:</b> FOP Line Staff	<b>Category of Violation:</b> <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.04, Absenteeism Management, Sec. H 6	Absenteeism Management Corrective Process
2.	
3.	

**A brief description of the violation(s):**

Officer Dotson you received a Employee Council Form (ECF) on September 9, 2010. On the form it explained that you are now instructed to bring in a doctor's note when calling in sick. Since then you had 4 occurrences with no doctor's note were brought in. They are listed belowed:

- 12/1-4/10-Sick
- 1/19/11-Sick
- 3/8-9/11-Sick
- 6/22-24/11-Sick

**Any future sickcalls without doctor's statements or unexcused tardies will result in further disciplinary action.**

ENTERED W.B.  
AUG 26 2011  
D.HELMS

27246

**Preparer's Name: Lieutenant J. Banks #208**

Employee Comments: (Developmental plan, response to fact-finding, other critical information)

This ECF is received.

Plan of Action:

Officer will make an effort to come to work.

My signature acknowledges that I have received and reviewed a copy of this document.

Tom J. [Signature] #401 8-12-11  
Employee's Signature Date

LT J Banks #208 8/12/11  
Preparer's / Supervisor's Signature Date

Lt. J. Banks #208  
Preparer's Printed Name

\*Note: The supervisor is responsible for forwarding the original signed copy to the Personnel Administrator and it is the supervisor's responsibility to notify the appropriate supervisors.

C: Employee  
Personnel Administrator

[Signature] NA 8/12/11

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> Tracy Dotson	<b>Date:</b> August 10, 2011	<b>Area Assigned:</b> [REDACTED]
<b>Union type:</b> FOP Line Staff	<b>Category of Violation:</b> <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Attendance	<b>Shift Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.04, Absenteeism Management, Sec. H 6	Absenteeism Management Corrective Process
2.	
3.	

**A brief description of the violation(s):**  
Officer Dotson you received a Employee Council Form (ECF) on September 9, 2010. On the form it explained that you are now instructed to bring in a doctor's note when calling in sick. Since then you had 4 occurrences with no doctor's note were brought in. They are listed belowed:

3/8-9/11-Sick  
6/22-24/11-Sick

**Any future sickcalls without doctor's statements or unexcused tardies will result in further disciplinary action.**

27246

**Preparer's Name: Lieutenant J. Banks #208**

<b>Continuation of violation description:</b>	
<b>Recommended Action:</b> (Choose One) <input checked="" type="checkbox"/> Verbal (Not entitled to a hearing) <i>romm</i> <input type="checkbox"/> Written (Not entitled to a hearing) <input type="checkbox"/> Suspension _____ Days <input type="checkbox"/> Demotion <input type="checkbox"/> Termination	<b>Hearing Requested:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No (Teamster & AFSME only) <i>LT JB</i> <hr/> <i>Refuse to sign due to having one</i> <b>Employee Signature &amp; Date:</b> <i>LT JB</i> <hr/> <i>Did not want a union steward</i> <b>Union Steward/Witness &amp; Date:</b>
<i>LT James BANKS</i> <b>Issuing Supervisor's Printed Name</b>	<i>19 Aug 11</i> <b>Date</b>
<hr/> <i>LT JB #208</i> <b>Issuing Supervisor's Signature</b>	<hr/> <i>19 Aug 11</i> <b>Date</b>

**Hearing Results**

**Results of the Board:** (If applicable)

Sustained     
  Dismissed     
  Referred to Counseling  
 Reduced to: \_\_\_\_\_

**Date of Hearing:** \_\_\_\_\_     
 **Union Representative's Signature:** \_\_\_\_\_  
**Board Chairman's Signature:** \_\_\_\_\_

**For Human Resources Use Only:**

Enter in the computer  
 Letter supplied to supervisor after the hearing  
 Suspension scheduled  
 Metro Human Resource Consulted on suspensions and/or EAP referral  
 Copy of final disposition to personnel file  
 Copy placed in employee's file

ENTERED W.B.  
 AUG 26 7 011  
 D.HELMS

*Handwritten initials and date:*  
 WA  
 8/22/11

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*Copy*

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Dotson, Tracy</i>	<b>Date:</b> <i>May 16, 2011</i>	<b>Area Assigned:</b> <b>Shift:</b> [REDACTED]
<b>Union type:</b> <i>FOP Line Staff</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1.17 Employee Code of Ethics and Conduct	A. Code of Ethics Section 1-g.
	B. 2. Conduct Unbecoming Section b.
	B. 5. Dereliction of Duty, sections a, and b-v.
4.11 Use of Force	A. Usage: Section 1-a, 1-b and A-5
03-2.17 Incident Reports	A. General Provisions Sections 1, 1-c, 2, 5 and 6

**A brief description of the violation(s):**

As you completed walk and talks while working [REDACTED] on December 7, 2010, Inmate Jerry Payne, CIN 527245, made the statement to another inmate that you looked like "Andy Griffith". You instructed Inmate Payne to exit the dorm and placed him in an attorney booth for his disruptive behavior and then called Sergeant Eubanks. Upon Sergeant Eubank's arrival, Inmate Payne made allegations in your presence that you used unnecessary force against him claiming that you had his arm in a "chicken wing" and slammed his head against the wall several times in the attorney booth. Although the inmate made allegations toward you, you did not complete a report on the incident until Captain Thompson instructed you to do so after having received a grievance from Inmate Payne with regard to the incident.

You stated in your 12/10/10 report, "At no time did I use unnecessary force on inmate Payne." You were instructed to complete a subsequent report to clarify what happened during the incident. In your second report you state, "Verbal commands were all that was required to gain compliance during this incident." Your reports conflict with witness accounts and a statement you made when questioned with regard to the incident. Even though you were asked to complete a second report to clarify the events during the incident, you were dishonest through the omission of facts related to the event.

Inmate Payne reported that you placed him in a "chicken wing" and slammed his head against the wall several times. Inmate Finch, who was in an adjacent attorney booth reported that he heard an inmate in the other attorney booth "holler telling him, ah, let go of my arm, let go of my arm." Officer Thondra McBride reported "...due to the tone of the conversation (between you and Inmate Payne) I asked Officer Dotson if he needed any type of assistance and he indicated that he didn't." "He had him in an arm bar...one hand behind his back and Officer Dotson's hand on his shoulder...holding him." When questioned, you admitted to resting your arm across the inmate's shoulders and reaching for your cuffs. You intended to cuff the inmate but did not have your cuffs with you; You did not mention your attempt to cuff the inmate in your reports. In fact, you stated verbal commands were all that was needed to gain compliance.

Your failure to report this incident, omitting facts from your incident reports, and lying during questioning violates the above listed polices. (see attached policies) Termination of your employment with LMDC is recommended

**Preparer's Name:** *27246*

<b>Continuation of violation description:</b>	
<b>Recommended Action: (Choose One)</b> <input type="checkbox"/> Verbal (Not entitled to a hearing) <input type="checkbox"/> Written (Not entitled to a hearing) <input type="checkbox"/> Suspension _____ Days <input type="checkbox"/> Demotion <input checked="" type="checkbox"/> Termination	<b>Hearing Requested:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(Teamster &amp; AFSME only non-union refer to personnel policy 15.1)</small>  _____ <b>Employee Signature &amp; Date:</b>  _____ <b>Union Steward/Witness &amp; Date:</b>
_____ <b>Issuing Supervisor's Printed Name</b> <b>Date</b>	_____ <b>Issuing Supervisor's Signature</b> <b>Date</b>

**Hearing Results**

<b>Results of the Board: (If applicable)</b> <input checked="" type="checkbox"/> Sustained <input type="checkbox"/> Dismissed <input type="checkbox"/> Referred to Counseling <input type="checkbox"/> Reduced to: <u>five (5) day suspension, non-guerrilla</u>	
<b>Date of Hearing:</b> <u>6-1-11</u>	<b>Union Representative's Signature:</b> <u>[Signature] 5-31-11</u>
<b>Board Chairman's Signature:</b> <u>[Signature]</u>	
<b>For Human Resources Use Only:</b>	
<input checked="" type="checkbox"/> Enter in the computer <input type="checkbox"/> Letter supplied to supervisor after the hearing <input type="checkbox"/> Suspension scheduled <input type="checkbox"/> Metro Human Resource Consulted on suspensions and/or EAP referral <input type="checkbox"/> Copy of final disposition to personnel file <input type="checkbox"/> Copy placed in employee's file	

ENTERED W.B.  
  
 JUN 02 2011  
  
 D.HELMs



**Louisville Metropolitan Department of Corrections  
Employee/Supervisor Conference Form**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b>  <p align="center"><i>Ofc. Tracy Dotson</i></p>	<b>Date:</b>  <p align="center"><i>9/9/10</i></p>	<b>Area Assigned:</b> <div style="background-color: black; width: 100%; height: 15px;"></div> <b>Shift:</b> <div style="background-color: black; width: 20px; height: 15px;"></div>
<b>Union type:</b>  <p align="center"><i>FOP Line</i></p>	<b>Category of Violation:</b> <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Attendance	<b>Section Assigned:</b> <div style="background-color: black; width: 100%; height: 20px;"></div>
<b>Type of Correspondence:</b> (Choose One) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <b>Memorandum of Record</b> (Non-disciplinary) <i>Documentation of a conversation that is clarifying a procedure, process, etc.</i></li> <li><input checked="" type="checkbox"/> <b>Memorandum of Instruction</b> (Non-disciplinary) <i>Documentation that identifies a behavior that was incorrect and offers corrective behavior. This is an alternative to a verbal warning and may be used when the supervisor is unsure of employee's knowledge of the subject matter.</i></li> </ul>		
<b>Topics Discussed/Work Performance:</b> <i>(Goals met/progress toward goals, fact finding, training needs, etc.)</i>  <p><i>Under Departmental Policy 01-3.04(Absenteeism Management) you have more than four unexcused sick or tardy occurrences since the beginning of January 1,2010. At least 3 of your occurrences were in conjunction with your off days. From now on you will have to bring a doctor's statement in when you call in sick. The following dates for you calling in sick without a doctor's statement or tardy are:</i></p> <p><i>2/18/10-Sick 2/25/10-Tardy 5/28/10-Sick in conjunction with your off days 7/12/10-Sick in conjunction with your off days 8/4/10-Sick 9/6-9/7/10-Sick inconjunction with your off days</i></p> <div style="text-align: right; margin-top: 20px;"> <div style="border: 2px solid black; padding: 5px; transform: rotate(-5deg); display: inline-block;"> <p align="center"><b>ENTERED W.B.</b> SEP 15 2010 D.HELMs</p> </div> </div>		

Employee Comments: (Developmental plan, response to fact-finding, other critical information)

**Plan of Action:**

Officer will make an effort to come to work.

My signature acknowledges that I have received and reviewed a copy of this document.

T. Detsch #401

Employee's Signature

9-9-10

Date

Lt. J. Banks #208 9/9/10

Preparer's / Supervisor's Signature

Date

Lt. James Banks #208

Preparer's Printed Name

*\*Note: The supervisor is responsible for forwarding the original signed copy to the Personnel Administrator and it is the supervisor's responsibility to notify the appropriate supervisors.*

C: Employee  
Personnel Administrator

## Louisville Metropolitan Department of Corrections Disciplinary Action Notice (DAN)

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <p style="text-align: center;"><i>Ofc. T. Dotson</i></p>	<b>Date:</b> <p style="text-align: center;">8-31-10</p>	<b>Area Assigned:</b> <p style="text-align: center;">Shift: <span style="background-color: black; color: black;">██████████</span></p>
<b>Union type:</b> <p style="text-align: center;"><i>FOP Line Staff</i></p>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> <div style="background-color: black; width: 100px; height: 20px; margin: 5px auto;"></div>

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 01-3.02, Employee Code of Ethics and Conduct, VI, A. Code of Ethics, 4 Behavior a., b.	a. Personell shall conduct themselves with co-workers in a respectful and courteous manner. b. Relationships with
2. B. Code of Conduct, 2 Conduct Unbecoming b., c.	colleagues shall be of such character to promote mutual respect within the profession.
3.	b. Improper Conduct. c. Employees shall aviod giving the appearance of impropriety.

**A brief description of the violation(s):**

On 8-25-10 at approx 2315 hrs I (Sgt. D. Grissom) was advised by 11-7 Shift Sgt. T. Dobson that you had called him very upset stating that during count/shift change Ofc. B. Phillips had given a inmate toilet paper, after you had already told the inmate he could not have a roll of toilet paper.

Sgt. Dobson and I spoke with Ofc. Phillips about the incident, in which Ofc. Phillips stated that he gave a Inmate toilet paper after you had told the Inmate he could not have toilet paper. At this time Sgt. Dobson and I explained to Ofc. Phillips that it would have been best to not give the Inmate the toilet paper, after you had told the Inmate "no" and let you give the Inmate the toilet paper.

As I was exiting the Sergeants Office Sgt. Dobson advised me that you had called him again about the toilet paper and wanted to speak with him, me, and Ofc. Phillips. I advised Sgt. Dobson that Ofc. Phillips had been corrected on his mistake, and that the toilet paper issue was over.

On 8-26-10 I was advised by Ofc. Phillips that after he had given the Inmate the toilet paper, you began to argue with him, and state to him several times "Get your fat ass off my floor". Ofc. Phillips stated that at no time did he curse back at you, only stating "I'm not leaving until you sign my paperwork," at which you again replied "Get your fat ass off my floor."

Ofc. Phillips stated that Ofc. L. Melvin was also present on the floor and witnessed the incident. I spoke with Ofc. Melvin who confirmed what Ofc. Phillips had reported. I than instructed you, Ofc. Phillips, and Ofc. Melvin to complete Incident Report's on the Incident.

Although you were upset with Ofc. Phillips for giving the Inmate toilet paper, by cursing and demeaning Ofc. Phillips you violated the policy of the Employee Code of Ethics and Conduct.

**Preparer's Name:** Sgt. D. Grissom

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
  - Written (Not entitled to a hearing)
  - Suspension 1 Days 9/3/10 *Major*
  - Demotion
  - Termination
- Suble*

Hearing Requested:  Yes  No  
*(Teamster & AFSME only non-union refer to personnel policy 15.1)*

T. Dotson #401 9-10-10  
Employee Signature & Date:

M. [Signature] 9/10/10  
Union Steward/Witness & Date:

Lt. Jo Banks #208  
Issuing Supervisor's Printed Name      Date

Lt. Jo Banks #208 9/10/10  
Issuing Supervisor's Signature      Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling

Reduced to: written reprimand - annotated due to admission of statements to fellow officers which are disrespectful + inappropriate

Date of Hearing: 9/30/2010 Union Representative's Signature: George Markes

Board Chairman's Signature: [Signature]

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
NOV 15 2010  
D.HELMS

**MARY W. SHARP, PLLC**  
*Attorney at Law*

[REDACTED]  
Louisville, KY 40203

[REDACTED] FAX (502) 587-9128

October 1, 2010

Director Mark Bolton, LMDC  
Dep. Director Kathy Bingham  
400 South Sixth Street  
Louisville, KY 40202  
Fax (502) 574-2184

Re: Level 1 grievance of Officer Tracy Dotson

Dear Director Bolton:

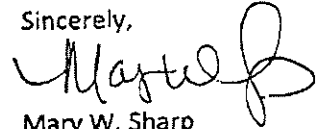
Officer Tracy Dotson was served with a disciplinary action of a one day suspension for a comment he made to another officer on August 25, 2010. Yesterday, we met with Deputy Director Bingham regarding the matter. She offered a reduction to a written reprimand. My client wishes to decline that offer, take the one day, and pursue the appeals process.

This appeal of the disciplinary action is taken pursuant to the FOP Contract, Articles 14, 15, 16 and 21. The grounds for the appeal are as follows:

1. The disciplinary action is too severe under all of the facts and circumstances,
2. The disciplinary action, my client believes, is in part due to his involvement with the FOP, a violation of Article 21,
3. The disciplinary action is disproportionate to the offense alleged, especially considering that Officer Dotson has NO disciplinary actions that can be used to enhance these policy violations and is, thus, a violation of the progressive discipline policies of the Department and Metro Government,
4. The disciplinary action is blatant differential treatment as we will provide (at an arbitration level) many documents and testimony that other officers have done and said far worse comments but received no disciplinary action,
5. The officer to whom the comment was made had directly in front of an inmate gone against what Officer Dotson had stated was to be done (therefore, showing disagreement amongst personnel), but only received an ECF,
6. Considering all of the facts and circumstances, Officer Dotson should have received only an ECF at most.

Please advise when your schedule permits us to meet with you to discuss this grievance/appeal.

Sincerely,



Mary W. Sharp  
Counsel for Officer Dotson

**Bingham, Kathy M.**

---

**From:** Bolton, Mark  
**Sent:** Friday, October 01, 2010 4:00 PM  
**To:** Bingham, Kathy M.  
**Subject:** FW: Disciplinary hearing with Tracy Dotson

Mark E. Bolton  
Director  
Louisville Metro Department of Corrections  
502-574-2188

-----Original Message-----

**From:** Bolton, Mark  
**Sent:** Wednesday, September 15, 2010 7:40 PM  
**To:** Bingham, Kathy M.  
**Cc:** Clark, Dwayne A.; Butler, Cathy  
**Subject:** Fw: Disciplinary hearing with Tracy Dotson

See string FYI

----- Original Message -----

**From:** Dotson, Tracy D  
**To:** Bolton, Mark  
**Sent:** Wed Sep 15 19:23:28 2010  
**Subject:** RE: Disciplinary hearing with Tracy Dotson

I've pulled disciplinary and blueforms from 5 incidents in the last 6 months for the exact same infraction committed by others and in every instance an ecf or nothing was issued. Yet my first hit is a one day suspension. I'm sure we'll enjoy debating parity and fairness at my appeal and subsequent arbitration. Thanks for the time.

-td

-----Original Message-----

**From:** Bolton, Mark  
**Sent:** Wed 9/15/2010 7:06 PM  
**To:** Dotson, Tracy D  
**Subject:** Re: Disciplinary hearing with Tracy Dotson

I would disagree but always ready and willing to present my perspective and hear yours.

Thx

----- Original Message -----

**From:** Dotson, Tracy D  
**To:** Bolton, Mark  
**Sent:** Wed Sep 15 19:02:11 2010  
**Subject:** RE: Disciplinary hearing with Tracy Dotson

Doesn't seem proper to have the person who ordered the discipline also sit in on the appeal. Especially considering the extenuating circumstances surrounding the issuance of the

discipline. But parity and fairness in our discipline process has never been LMDC's strong suit, although it is better than it used to be. I'll do what I gotta do.  
-td

-----Original Message-----

From: Bolton, Mark  
Sent: Wed 9/15/2010 4:48 PM  
To: Dotson, Tracy D  
Subject: Re: Disciplinary hearing with Tracy Dotson

Why would you not want the Captain there? For purposes of clarity if nothing else.

----- Original Message -----

From: Dotson, Tracy D  
To: Bolton, Mark  
Sent: Wed Sep 15 16:27:41 2010  
Subject: FW: Disciplinary hearing with Tracy Dotson

If I wanted to "address" things with a captain, I wouldn't have asked for a hearing with a deputy director. This isn't a mediation, why does a captain who ordered the discipline have to sit in?

-----Original Message-----

From: Bingham, Kathy M.  
Sent: Wed 9/15/2010 9:10 AM  
To: Dotson, Tracy D  
Subject: RE: Disciplinary hearing with Tracy Dotson

You may address this at the hearing with Captain Thompson then, thanks

-----Original Message-----

From: Dotson, Tracy D  
Sent: Tuesday, September 14, 2010 11:21 PM  
To: Bingham, Kathy M.  
Subject: RE: Disciplinary hearing with Tracy Dotson

Sgt grissom had sent her an email stating that the situation was handled and he was not going to issue any discipline. She replied back to him with an order to issue the discipline.

-td

-----Original Message-----

From: Bingham, Kathy M.  
Sent: Tuesday, September 14, 2010 11:12 AM  
To: Dotson, Tracy D  
Subject: RE: Disciplinary hearing with Tracy Dotson

I am unaware it was her order and the disciplinary was issued by the Lt. so therefore I am requesting Captain Thompson be present.

-----Original Message-----

From: Dotson, Tracy D  
Sent: Monday, September 13, 2010 7:24 PM  
To: Bingham, Kathy M.  
Subject: RE: Disciplinary hearing with Tracy Dotson



Is it necessary for capt thompson to attend my hearing? The disciplinary was issued by her order, which makes her a little biased as far as an appeal goes.

-td

-----Original Message-----

From: Bingham, Kathy M.

Sent: Mon 9/13/2010 5:18 PM

To: Dotson, Tracy D; Thompson, Dawn; Harris, Anthony; Bolton, Jerry; Banks, James

Cc: Beaven, Karen

Subject: Disciplinary hearing with Tracy Dotson

Captain Thompson is out this week and I would request this be rescheduled for next week upon her return. Thanks

Kathy Bingham, Deputy Director

Louisville Metro Department of Corrections

400 South Sixth Street

Louisville KY 40202

502-574-8471 (office)

**Beaven, Karen**

---

**From:** Beaven, Karen  
**Sent:** Tuesday, April 14, 2009 12:25 PM  
**To:** Rowe, Charles  
**Cc:** Thompson, Dawn; Fitzpatrick, Denise; Anderson, Tammy; Valentine, Tomeca  
**Subject:** Suspension

Tracy Dotson received a three day suspension at a disciplinary review on April 14, 2009. In accordance with past and present practice, please schedule his suspension within **seven** days of the date of the hearing. Please notify the employee and Denise Fitzpatrick in writing of the dates the suspension will be served, noting off-days and the return to work date.

Suspension dates may be scheduled according to the needs of the unit.

If you have any questions, please contact Denise at 2002.

*Karen Beaven*  
*Executive Assistant*  
*Louisville Metro Department of Corrections*  
*502-574-2188*

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Officer Tracy Dotson</i>	<b>Date:</b> <i>March 30, 2009</i>	<b>Area Assigned:</b> Shift: [REDACTED]
--	---------------------------------------	--

<b>Union type:</b> <i>FOP Sworn</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]
--	---	--

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 03-2.05 Departmental Key Control and Usage	F6 Handling Security Keys
2. 01-3.02 Employee Code of Ethics and Conduct	A4(a)(b) Behavior B2(a)(b)(c) Conduct Unbecoming
3. 01-3.06 Harrassment	D(1)(2) Hostile Work Environment E(1)(2)d Workplace Violence

**A brief description of the violation(s):**

On January 13, 2009, while working the Booking floor, you relieved Ofc. Aubrey for break in [REDACTED] Upon your own admission, before departing the post, you turned back and stated "you forgot your keys fag" and tossed the keys at him. Your actions were a direct violation of policy 03-2.05 Departmental Key Control and Usage, which states that "keys shall be exchanged hand-to-hand, never tossed". You were also in violation of 01-3.02 Employee Code of Ethics and Conduct. Your behavior was unacceptable and your conduct was unbecoming of an officer. Policy states that personnel shall conduct themselves with co-workers in a respectful and courteous manner.

Immediately after departing [REDACTED] you walked onto the Booking floor and intentionally bumped Capt. Chapman who was standing at the officer work station. It has also been determined that your actions and behavior were unbecoming of an officer. You violated Policy 01-3.06 Harrassment and Policy 01-3.02 Employee Code of Ethics and Conduct. Policy states that the department will strive to provide a work environment free from conduct that portrays hostility.....or intimidation...

Conduct of this nature will not be tolerated by the department. Future incidents such as these can result in disciplinary up to and including termination.

**Preparer's Name:** *MAJOR Robert Dietz*

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension 3 Days / Re-Assignment to CCC  
Third ~~Shift~~ Shift. Restricted  
From bidding to NJC For  
one year.
- Demotion
- Termination

Hearing Requested:  Yes  No

T Dotson #401 4-1-09  
Employee Signature & Date:

Angela Spinks #550 4/1/09  
Union Steward/Witness & Date:

Dawn Thompson 04-01-09  
Issuing Supervisor's Printed Name Date

Capt. DM Thompson 04-01-09  
Issuing Supervisor's Signature Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling
- Reduced to: \_\_\_\_\_

T Dotson #401

Date of Hearing: 4/14/09 Union Representative's Signature: R.J. Ari 4-14-09

Board Chairman's Signature: Dwayne A. Clark

ENTERED W.B.  
APR 14 2009  
D.H.E.L.M.S.

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

August 26, 2008

TOM D. CAMPBELL  
DIRECTOR

Tracy Dotson

[Redacted]  
Louisville, KY 40215

The Department has decided to reinstate your employment on a non-precedent setting basis pursuant to the advisory opinion of Arbitrator Edwin Render on August 11, 2008. The terms of your reinstatement are listed below.

- Employment reinstatement effective Sunday night 8/30/08 at 11:00 p.m.
- Restoration of sick leave balance.
- Restoration of seniority date
- Addition of vacation and sick accruals that would have occurred between 11/17/2007 – 8/30/2008
- Reimbursement of vacation accruals used during administrative suspension from 11/6/2007 – 11/16/2007
- Payment for unpaid suspension from 11/17/2007 – 12/13/2007
- Payment for lost work days from 12/13/2007 – 8/30/2008

Metro Government and the Union both agree:

- It is understood and agreed that this Grievance Resolution is for the compromise of a disputed claim and is not to be construed as an admission of liability on the part of the Louisville/ Jefferson County Metro Government, by whom liability is expressly denied.

The Department will begin the reinstatement process upon receipt of this signed document.

I, Tracy Dotson, have read and agree to the above listed terms and conditions of employment.

Tracy Dotson  
Tracy Dotson

8-27-08  
Date

Tracy Dotson and Louisville Corrections Fraternal Order of Police Lodge No. 77 and Louisville/Jefferson County Metro Government ("Metro Government") by and through Louisville Metro Corrections hereby agree that this grievance resolution will totally resolve Tracy Dotson's grievance regarding his termination.

Tracy Dotson  
Tracy Dotson

Tony Harris  
Tony Harris, FOP President

Tom D. Campbell  
Tom D. Campbell, Director  
Louisville Metro Corrections

Date: 8-28-08

Date: 8-28-08

Date: 8/27/08

C: Metro HR



Tracy Dotson

LOUISVILLE, KENTUCKY

DEPARTMENT OF HUMAN RESOURCES

JERRY E. ABRAMSON  
MAYOR

WILLIAM J. HORNIG  
DIRECTOR

January 30, 2008

Mary Sharp

[REDACTED]  
Louisville, KY 40203

Re: Louisville Corrections, FOP Lodge 77, Officer Dotson Termination Grievance

Dear Mary,

On January 9, 2008, I met with you, Officer Dotson, George Manley and Jennifer Maupin from my office to discuss Officer Dotson's grievance regarding his termination at the Mayor's level. I am the Mayor's designee.

Officer's Dotson's termination was based upon an incident that occurred November 6, 2007 with Inmate Michael Smith when working the [REDACTED] in the New Jail Complex. According to Officer Dotson, Inmate Smith was arrested for Alcohol Intoxication (A.I.) Officer Dotson stated to Internal Affairs that Inmate Smith was yelling and harassing the arresting officer and that he believed him to be in handcuffs when he arrived. The arresting officer removed the handcuffs and Officer Dotson started the booking process.

Officer Dotson said that he did not feel there was a need to handcuff Inmate Smith during the booking process. He proceeded to search him for contraband by asking Inmate Smith to empty his pockets. In doing so, Officer Dotson said that Inmate Smith threw items toward him. Officer Dotson perceived this behavior as a sign that he may have something to hide.

At that point, Officer Dotson said that he turned Inmate Smith against the padded wall and handcuffed him. Inmate Smith was instructed to lean his head against the wall during the search. Officer Doston said Inmate Smith leaned away from the wall and he pushed Inmate Smith back against the wall. Officer Estes arrived on the scene and attempted to calm the inmate.

Officer Dotson stated that he told Inmate Smith that if he moved his head away from the wall again and did not cooperate that he would have to take him to the ground. Officer Dotson said that Inmate Smith again pulled away from the wall so he performed a takedown procedure. In doing so, Inmate Smith received a cut to his head which required hospital treatment and stitches. Officer Dotson states that Inmate Smith tensed up during the takedown making his impact with the ground much harder. You also stated that the mat on the ground was very small and that it would be very difficult to ensure an inmate landed on the mat in the course of a takedown.

You asserted that Officer Dotson has no history of excessive force. He has been with Corrections for a total of five (5) years after his rehire in 2004. He has been in law enforcement for a total of eight (8) years. Officer Dotson has only received one verbal reprimand for use of tobacco.

You are asking that Officer Dotson be reinstated to his position. The union argues that serving a suspension of five (5) days would be more than sufficient discipline for this type of offense and would prevent him from being promoted for three (3) years.

You stated that since Officer Dotson was fired for excessive force while working the [REDACTED] officers have been administratively forced to work the position. In the past, booking was a highly sought after position, but you claim employees now have no faith in the administration to back them when use of force is necessary.

Officer Estes gave a statement to Internal Affairs as to what she witnessed on the grill when the incident took place. She concurred with Officer Dotson in that he gave Inmate Smith instructions to keep his head on the wall. Officer Estes stated that other than being a little loud, Inmate Smith was doing everything Officer Dotson was telling him to do. She stated that before she knew it Officer Dotson leg-swept Inmate Smith to the floor. At no time did she hear Officer Dotson warn Inmate Smith of a takedown. Officer Estes informed Internal Affairs that she believed other options were available to Officer Dotson.

Per your recommendation, we requested a copy of the tape. The tape shows no evidence that use of force was necessary. Inmate Smith was handcuffed at the time of the takedown and did not appear to be a threat to the safety of those around him. There was also no noted reaction from Officer Estes prior to the takedown that would indicate any verbal threat of violence or breach of safety.

On a side note, I agree that the floor mat is rather small and I urge the Administration to consider a larger mat for safety purposes. However, it played no part in the decision made by the Department in the termination of Officer Dotson. His actions were unwarranted and excessive in nature.

I find no violation of the CBA. The grievance is denied.

Sincerely,

  
Lynne A. Fleming  
Assistant Director

CC: William Summers IV  
Tom Campbell  
Bill Hornig  
Tammy Anderson



**Louisville Metropolitan Department of Corrections  
Employee/Supervisor Conference Form**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b>  OFC. TRACY DOTSON	<b>Date:</b>  FRI, 12-16-2007	<b>Area Assigned:</b> [REDACTED]  <b>Shift:</b> [REDACTED]
<b>Union type:</b>  FOP Line	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input checked="" type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**Type of Correspondence:** (Choose One)

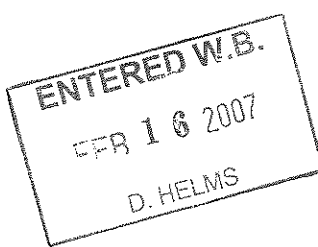
**Memorandum of Record** (Non-disciplinary)  
*Documentation of a conversation that is clarifying a procedure, process, etc.*

**Memorandum of Instruction** (Non-disciplinary)  
*Documentation that identifies a behavior that was incorrect and offers corrective behavior. This is an alternative to a verbal warning and may be used when the supervisor is unsure of employee's knowledge of the subject matter.*

**Topics Discussed/Work Performance:** *(Goals met/progress toward goals, fact finding, training needs, etc.)*

UPON REVIEWING YOUR TIME AND ATTENDANCE IT HAS BEEN DETERMINED THAT YOU WERE ABSENT(5) TIMES DATING FROM 2-13-2006/2-13-2007. WHILE THIS IS NOT DISCIPLINARY, THESE TYPE OF HABITS COULD FORM INTO POSSIBLE DISCIPLINARY ACTIONS AGAINST YOU IF NOT CORRECTED NOW. THE FOLLOWING DATES ARE THE ONES IN WHICH YOU WERE ABSENT WITHOUT A VALID DOCTOR'S STATEMENT.

4-18-2006  
 5-23-2006  
 7-6-2006  
 9-5-2006  
 2-6-2007



LIEUTENANT RICK WILLIAMS/217      Wlm      27246

Employee Comments: (Developmental plan, response to fact-finding, other critical information)

this is valid for 90 days only.  
just a reminder.

Plan of Action:

My signature acknowledges that I have received and reviewed a copy of this document.

T. Dotson #671      2-16-07  
Employee's Signature      Date

- Lt. Rick Williams / 2-16-07  
Preparer's / Supervisor's Signature      Date

- Lt. Rick Williams /  
Preparer's Printed Name      /217

\*Note: The supervisor is responsible for forwarding the original signed copy to the Personnel Administrator and it is the supervisor's responsibility to notify the appropriate supervisors.

C:      Employee  
         Personnel Administrator

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Dotson, Tracy</i>	<b>Date:</b> <i>December 6, 2007</i>	<b>Area Assigned:</b> Shift:
<b>Union type:</b> <i>FOP Line Staff</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> 

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 1.17 Employee Code of Ethics and Conduct	A. 1) Personnel/ Employees shall not: Section g.
2.	B. 2. Conduct Unbecoming Section b.
	B. 5 Dereliction of Duty, sections xii., xiii., and xiv.
	B. 9 Relationship of Employees with Inmates section b.
3. 4.11 Use of Force	A. Usage: Section 1-a, and 1-b

**A brief description of the violation(s):**

You used excessive and unnecessary force against Inmate Michael Smith on November 6, 2007. Inmate Smith was arrested for alcohol intoxication. You handcuffed Mr. Smith and then tried to conduct a search. It is reasonable to think an inebriated inmate who is handcuffed behind his back may have difficulty maintaining his balance. You report that Mr. Smith kept backing off from the wall, so you used a leg sweep to take him to the floor. Mr. Smith subsequently incurred injuries from your use of force. He lost consciousness and had to be taken to the hospital to receive stitches above his right eye. You had other options available to you. In fact, there were two co-workers present during this incident and you did not request assistance from either co-worker.

After reviewing the tape and witness accounts, your use of force during this incident is clearly excessive and unnecessary.

**Preparer's Name:** Major Robert Dietz

**Continuation of violation description:**

C: to employee Policy 01-3.02 Code of Ethics & conduct  
01-4.11 Use of Force  
Post order JC-02 Grill Search

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination *may not*

**Hearing Requested:**  Yes  No  
*(Teamster & AFSME only non-union refer to personnel policy 15.1)*

*Tom J. [Signature]* 12-6-07  
**Employee Signature & Date:**

*George [Signature]* 12-6-07  
**Union Steward/Witness & Date:**

*MATOR ROBERT DICTZ* 12/6/07  
**Issuing Supervisor's Printed Name Date**

*MATOR ROBERT DICTZ* 12/6/07  
**Issuing Supervisor's Signature Date**

**Hearing Results**

**Results of the Board: (If applicable)**

- Sustained  Dismissed  Referred to Counseling
- Reduced to: \_\_\_\_\_

Date of Hearing: *12-11-07* Union Representative's Signature: *[Signature]*

Board Chairman's Signature: *[Signature]*

**For Human Resources Use Only:**

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

TOM D. CAMPBELL  
DIRECTOR

December 6, 2007

Officer Tracy Dotson  
[REDACTED]  
Louisville, KY 40215

Dear Officer Dotson:

RE: PRE-TERMINATION OPPORTUNITY TO RESPOND

SUMMARY OF CHARGES:

You were involved in an incident with Inmate Michael Smith on November 6, 2007 in which you violated several departmental policies. You have received a Disciplinary Action Notice in which termination is recommended. The foregoing actions constitute violations of the following rules and standards of conduct:

Louisville Metro Corrections Policies:

- 1.17 Employee Code of Ethics and Conduct
- A. 1) Personnel/ Employees shall not: Section g.
  - B. 2. Conduct Unbecoming Section b.
  - B. 5 Dereliction of Duty, sections xii., xiii., and xiv.
  - B. 9 Relationship of Employees with Inmates section b.
- 4.11 Use of Force
- A. Usage: Section 1-a, and 1-b

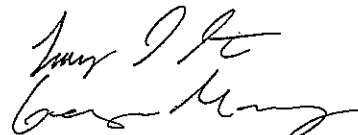
RECOMMENDED ACTION: TERMINATION FROM EMPLOYMENT

You have been advised of the charges against you, and of the recommended action. Your pre-termination hearing is scheduled for Tuesday, December 11<sup>th</sup> at 10:00 a.m. You will be given an opportunity to respond to the proposed action, address the factual assumptions set forth, and to explain your side of this situation at that time. You have the right per your collective bargaining agreement to bring a union steward.

Sincerely,

  
Deputy Director Kevin Sidebottom

C: Lynne Fleming Metro HR Assistant Director





LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

TOM D. CAMPBELL  
DIRECTOR

December 12, 2007

Officer Tracy Dotson

[REDACTED]  
Louisville, KY 40215

Dear Officer Dotson:

After hearing your side of the issue during the pre-termination hearing and careful consideration of the seriousness of the policy violations, the Department has decided to terminate your employment immediately. As a member of a collective bargaining agreement, you may have the right to file an appeal. Please refer to your union contract for specific instructions.

You must return any property that belongs to Louisville Metropolitan Corrections immediately upon receipt of this letter to Major Dietz in the administrative office, 3<sup>rd</sup> floor of the New Jail Complex at 400 South Sixth Street. We will forward your final paycheck to the address appearing on your check unless otherwise stipulated by you. Information concerning your benefits will be forwarded to you from the Metro Human Resources Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sidebottom".

Kevin Sidebottom  
Deputy Director

C: Lynne Fleming  
Metro HR Assistant Director  
*(Verbal HR Review w/Deputy Director Sidebottom)*

# MEMORANDUM

LOUISVILLE-JEFFERSON COUNTY  
METRO GOVERNMENT

To: Officer Tracy Dotson  
From: Deputy Director Kevin Sidebottom  
Date: November 6, 2007  
Re: Suspension Pending Investigation

Effective this date, you are suspended without pay pending the outcome of an administrative investigation. During the suspension, you may use accrued vacation. You are reminded that while you are suspended, you cannot work as a Peace Officer and you must secure your weapon. This suspension is not disciplinary in nature but is to protect the efficiency of Louisville Jefferson County Metro Government per Metro Personnel Policy 14.5. The suspension will continue until the investigation is complete and final resolution is reached.


FOP Article 12 "Complaint Investigation Procedure" requires you be provided with a twenty-four-hour written notice before being questioned regarding alleged misconduct or rule violations, and that you be provided with information regarding possible allegations of misconduct. The focus of the investigation will be the possible use of excessive force during an incident involving Inmate Michael Smith on November 6, 2007.

Consider this correspondence your official twenty-four-hour notice that you will be questioned regarding this event. Remain available during office hours on Monday through Friday to receive a telephone call from Internal Affairs Lieutenant Eggers who will contact you to schedule your interview appointment.

Please indicate your preference concerning your pay:

- I want to use vacation until it is exhausted.  
 I do not want to use vacation time.

I have read and understand the above.

  
\_\_\_\_\_  
Tracy Dotson

11-6-07  
Date

C: Lynne Fleming, Metro HR Assistant Director

Attachments: Incident Reports  
Metro Personnel Policy 14.5



Louisville-Jefferson County Metro Government  
Position and Personnel Action Form



Department: Metro Corrections Add      Change     

POSITION DATA  
Position Number 37000303

Effective Date	Period	Pay Code	Home	Inc.
Rate	Allow.	Rate	Rate	Rate
Budget	Account	Division	Dept.	Activity
State	County	City	Dept.	Activity

PERSONAL DATA Employee ID 272146

Name: Effective Date: 11-6-07 First Name: Jacey MI: Last Name: Dotson

Marital Status: Single Married Original Hire Date: Address 1: City: County: Zip Code: State: Home Phone: Business Phone:

PERSONAL PROFILE/ELIGIBILITY/IDENTITY: Gender: M F Birthdate: Soc. Sec. [REDACTED]

JOB DATA Job Title: Corrections Officer

Work Location: Effective Date: 11-6-07 Action: PLA Rear: SWP

Job Info: Job Code: Entry Date: RT: F/P: Standard Hours: Special Duty Elig: Y N FLSA Status: Exempt Nonexempt Longevity Date:

Job Labor: Union Code: Union Sen. Date: Leave Accrual Date:

Payroll: Pay Group FICA Status: Exempt Sub Med Location: Dept: Division: Unit Activity: Account: Budget Account: Funds: Dept: Division: Unit Activity: Account: Salary Admin Plan: Grade: Grade Entry Date: Step: Step Entry Date: Out of Step: Y N Time & Labor: Y N

*admin  
Susp*

Compensation

Base Rate Code:	Base Comp Rate:	Rate Code:	Comp Rate:
<u>[REDACTED]</u>	Old <u>    </u> New <u>    </u>	<u>    </u>	<u>    </u>
Total Hourly Comp Rate:		Rate Code:	Comp Rate:
\$ <u>    </u>		<u>    </u>	<u>    </u>
Annual Rate	Biweekly Rate	Rate Code:	Comp Rate:
\$ <u>    </u>	\$ <u>    </u>	<u>    </u>	<u>    </u>
		Rate Code:	Comp Rate:
		<u>    </u>	<u>    </u>
		Rate Code:	Comp Rate:
		<u>    </u>	<u>    </u>

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1: Eff Date: Marital Status: S M Withholding Allow: Add'l Withholdings: \$ State Tax 1: State: Resident: Y N Marital Status: S M WH Allow: Add'l WH: \$ Local Tax: Locality: Other Work Locality: Distribution: 100

TAX DISTRIBUTION: State: Locality: Distribution: 100

APPROVALS

Agency Director: [Signature] Date: 11-8-07 Budget (if applicable) Date Mayor's Office Date

Director of Civil Service: Date Director of Human Resources Date

Original Copy - Human Resources

Please make a copy and retain for your files.





Tomy

**FRATERNAL ORDER OF POLICE**  
Louisville Metro Corrections Department - Lodge 77

**GRIEVANCE/COMPLAINT FORM**

Name: Tracy D Dotson Date: 3-9-07

Assignment: NJC 51 Date of Complaint: 3-9-07

Grievance/Complaint:

On 3-2-07 I was notified by Dep Dir Sidebottom that a disciplinary notice for having tobacco in a security area had been placed in my file by Capt Baker. I had informed Capt Baker + Dep Dir Sidebottom previously that I had no tobacco on me during the incident in question. No supervisor witnessed the alleged incident + Capt Baker wrote me up based on heresay.

I would like this disciplinary expunged from the computer data base and my HR file.

Your Signature: [Signature] #671 Date: 3-9-07

Steward's Signature: [Signature] Date: 3-9-07

Grievance Timely: Yes  No  Supervisor's Signature: [Signature]

Resolution By Supervisor:

Grievance Denied, written or verbal warnings are not a Grievance Issue. [Signature]  
03-09-07

Griever: Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_

Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Copies To: Department, Steward, Grievant, FOP Committee

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> OFC. TRACY DOTSON	<b>Date:</b> WED, 2-21-2007	<b>Area Assigned:</b> Shift: [REDACTED]
<b>Union type:</b> FOP Line Staff	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 1.17 EMPLOYEE CODE OF CONDUCT	SEC.2 (A) CONDUCT UNBECOMING
2. 1.17 EMPLOYEE CODE OF CONDUCT	SEC 4 (A) BEHAVIOR-EMPLOYEES SHALL DEAL WITH CO-WORKERS,PUBLIC,INMATES IN RESPECTFUL/COURTEOUS MANNER
3.	

**A brief description of the violation(s):**  
ON TUESDAY, 2-20-2007/0500HRS I WAS ADVISED BY SERGEANT ROBERT GRIFFIN THAT YOU AND OFFICER RAMONDA COVINGTON HAD A VERBAL CONFRONTATION ON THE [REDACTED] THE DISAGREEMENT STEMMED FROM COMMENT YOU MADE BY USING THE PHRASE "WESTEND CHICK". YOU ADMITTED TO MYSELF AND LIEUTENANT DONALD BETHAL THAT YOU HAD USED THE PHASE "ANOTHER WESTEND" CHIC THAT WAS DISRUPTIVE IN THE [REDACTED] WITH HER ARRESTING (LMPD) OFFICER. THAT OFFICER INFORMED YOU THAT THIS INMATE WAS GOING TO BE TROUBLE. OFC. COVINGTON OVERHEARD THE REMARK AND WAS OFFENDED BY IT, FEELING THAT YOU WERE GENERALIZING AN ENTIRE GROUP OF RESIDENTS FROM THAT PART OF TOWN. OFC. COVINGTON ADVISED THAT SHE IS FROM THAT PART OF TOWN. THE PROBLEM WE HAVE HERE IS THAT YOURSELF AND OFC. COVINGTON ARE PROFESSIONAL LAW ENFORCEMENT OFFICERS BOTH BEHAVING IN A MANNER THAT IS UNACCEPTABLE. THIS IS NOT TO MENTION THAT WE HAVE OUTSIDE AGENCIES OBSERVING OUR OPERATIONS, AND A NEW (RECRUIT) OFFICER TIFFANY WELCH WHOM WAS IN TRAINING ON (J1) AT THAT TIME AND OBSERVED THE INCIDENT. THIS SETS A TERRIBLE EXAMPLE FOR OUR NEW STAFF. THIS NOTICE IS TO INFORM YOU THAT IN THE FUTURE TO KEEP YOUR OPINIONS, COMMENTS TO YOURSELF CONCERNING FRESH ARREST (OR ANY) INMATES FOR THAT MATTER. THIS DEPARTMENT WILL NOT TOLERATE ANY VERBAL CONFRONTATIONS THAT COULD HAVE THE POTENTIAL TO ESCALATE INTO SOMETHING PHYSICAL.

W/m                      27246

**Preparer's Name:** LIEUTENANT RICK WILLIAMS/217

of violation description:

That's 3 write-ups in 1 month.  
22222

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing) *AB*
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Hearing Requested:  Yes  No

(Teamster & AFSME only non-union refer to personnel policy 15.1)

*T Dotson #671 3-11-07*

Employee Signature & Date:

Union Steward/Witness & Date:

*- Lt. Rick Williams / 217 3-11-07*  
Issuing Supervisor's Printed Name      Date

*- Lt. Rick Williams / 217 3-11-07*  
Issuing Supervisor's Signature      Date

### Hearing Results

Results of the Board: (If applicable)

- Sustained       Dismissed       Referred to Counseling
- Reduced to: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

Board Chairman's Signature: \_\_\_\_\_

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
MAR 28 2007  
D. HELMS

# Louisville Metropolitan Department of Corrections Disciplinary Action Notice (DAN)

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> Officer Tracy Dotson	<b>Date:</b> January 9, 2007	<b>Area Assigned:</b> [REDACTED]
<b>Union type:</b> FOP Line Staff	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 01-3.14 Use of Tobacco Product	Section A#1&2 "Intro of Tobacco Products"
2.	
3.	

**A brief description of the violation(s):**  
 On January 6, 2007 Officer Tracy Dotson spit tobacco fluids from his mouth into an officers soda bottle which was left in the exterior control room on the counter top. Officer Dotson then placed the bottle back onto the control room counter top. Minutes later, an unsuspecting officer drank from the bottle which was spit in by Officer Dotson. Consequently, the officer became sick and complained of stomach complications. Officer Dotson's actions clearly violate policy's 01-3.14 entitled Use of Tobacco Products.

Policy 1-3.14 Use of Tobacco Products states "The introduction of tobacco products or smoking materials in any form within any area of the facility, not specifically designated as a smoking area, is prohibited. Staff found smoking or using tobacco products in unauthorized areas shall be considered in violation of state law, local ordinances and Departmental policy and shall be subject to disciplinary action."

ENTERED W.B.  
 FEB 15 2007  
 D. HELMS

W/m      27246

**Preparer's Name:** Captain Martin Baker # 105

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Hearing Requested:  Yes  No  
(Teamster & AFSME only non-union refer to personnel policy 15.1)

T Dotson #671 2-2-07  
Employee Signature & Date:

T Dotson #671 2-2-07  
Union Steward/Witness & Date:

Capt. Martin Baker 2-2-07  
Issuing Supervisor's Printed Name Date

Capt M. Baker 2-2-07  
Issuing Supervisor's Signature Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling
- Reduced to: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

Board Chairman's Signature: \_\_\_\_\_

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED  
FEB 15 2007  
D. HELMS



TO: Tracy D Dotson  
Corrections

FROM: William J. Hornig, Director  
Human Resources

A handwritten signature in black ink, appearing to read "William J. Hornig", written over the printed name.

DATE: May 27, 2009

SUBJECT: Direct Deposit – Failure to Comply with Policy

You were recently notified that you are in violation of Personnel Policy 3.11, which requires all employees hired or rehired after April 1, 2006 to be paid by direct deposit. You were given two weeks to comply by submitting your direct deposit information by May 21, 2009.

Our records reflect that you failed to sign up for direct deposit by this deadline. **Please note that employees who fail to comply with personnel policy are subject to disciplinary action up to and including termination of employment.** You will be given a one-week extension to comply. If you fail to establish a direct deposit account by **June 5, 2009**, the formal discipline process will begin.

I strongly encourage you to submit your direct deposit information immediately. As noted in the last communication, you must complete and sign the direct deposit form and attach one of the following documents: (1) a voided pre-printed check or (2) a letter on bank letterhead that includes the account holder name, account number, bank routing number and bank signature. Then forward these documents to Human Resources Information Systems (HRIS) at 517 Court Place, Suite 501 for processing.

Again, you may use the bank of your choice. However, if you have experienced difficulty opening an account, Fifth Third Bank is partnering with Louisville Metro Government and is committed to working with all of our employees. You may go to any branch location or contact our representative Berneice Collier-Magruder at 562-5571 and identify yourself as a metro employee.

If you have any questions, please contact HRIS at 574-3681 or 574-3682.

c: Mark Bolton  
Personnel file

# MEMORANDUM

JEFFERSON COUNTY

TO: Captain William Rose

FROM: Deputy Chief Joe Payne 

RE: Officer Tracy Dotson

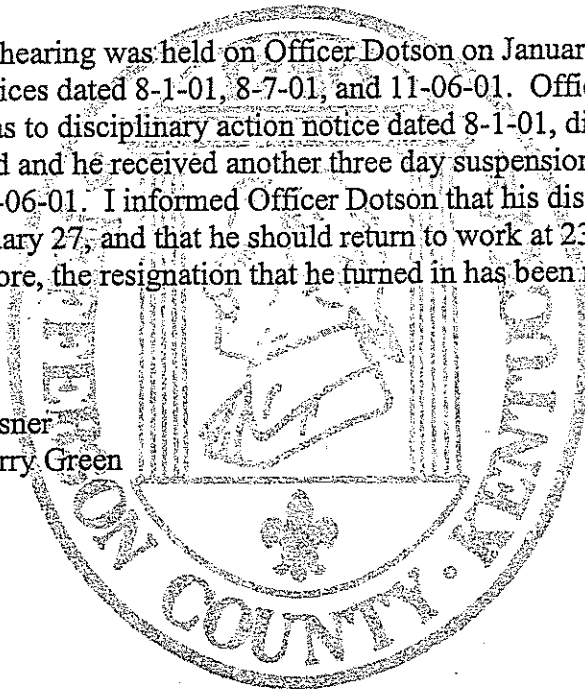
DATE: January 24, 2002

*Access 2004-026  
box 6  
loc 02-B-2-01*

A disciplinary hearing was held on Officer Dotson on January 24, 2002, as to disciplinary action notices dated 8-1-01, 8-7-01, and 11-06-01. Officer Dotson received a three-day suspension as to disciplinary action notice dated 8-1-01, disciplinary action dated 8-7-01 dismissed and he received another three day suspension on disciplinary action notice dated 11-06-01. I informed Officer Dotson that his disciplinary would begin on Sunday, January 27, and that he should return to work at 2300 hours on Sunday, February 3. Furthermore, the resignation that he turned in has been rescinded.

/klb

cc: Major Lee Karsner  
Lt. Colonel Barry Green  
Paula Ratliff



*C*  
RECEIVED  
01 SEP 13 11:33:38  
POLICE CIVIL SERVICE BOARD

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Tracy Dotson/Officer</i>	<b>Date of Issue:</b> <i>01/02/02</i>	<b>Area Assigned:</b> [REDACTED]
<b>Union type:</b> <i>Teamsters Sworn</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 1.03 Employee Code of Conduct, Section C. Sub-section 3	3 Conduct Unbecoming, letters a. and b.
2. 1.03 Employee Code of Conduct, Section C. Sub-section 5	5. Neglect of Duty, letter i.
3.	
4.	
5.	



**A brief description of the violation(s):**

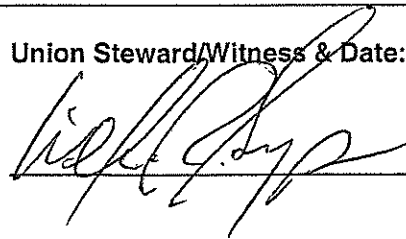
On 12/31/01 at 0610 hours, you were involved in an incident where you intentionally attempted to provoke an Inmate that another Officer was livescanning. After checking further into the incident it was determined that your actions were extremely inappropriate. You attempted to provoke this Inmate by standing within 2 to 3 inches of him where he could not move without touching you. You were also observed kicking the Inmates jacket out of your way as you approached him. You also made a comment to this Inmate "why are you eye fucking me". Ofc. Dotson your actions could have caused this Inmate to become combative and possibly caused injury to the Inmate, another Officer and yourself by your attempts to provoke him. After instructing you to report to the Lieutenant's office, you stated in a loud voice that this was "fucking bullshit". At that time several Officers from other agencies overheard this along with Corrections staff. Your actions cannot and will not be tolerated.

**Continuation of violation description:**

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

**Union Steward/Witness & Date:**

 1-24-02

**Supervisors Printed Name:**

Lt Chris Chapman 1-24-02

**Employee Signature & Date:**

Kevin J. Brown #135 1-24-02

Supervisor's Signature & Date:

*[Handwritten Signature]* *1-24-02*

Hearing Requested:  Yes  No

Employee Initials: \_\_\_\_\_

**Hearing Results**

Results of the Board: (If applicable)

Sustained     Dismissed     Referred to Counseling

Reduced to: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

**For Human Resources Use Only:**

- Enter in the computer *DA 1-24-02*
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b>  Tracy Dotson/ Officer	<b>Date of Issue:</b>  01/01/02	<b>Area Assigned:</b>  [REDACTED]
<b>Union type:</b>  Teamsters Sworn	<b>Category of Violation:</b>  <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b>  [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 1.03 Employee Code of Conduct	Section 2, Para g.
2. 1.03 Employee Code of Conduct	Section 5, Para e.
3.	
4.	
5.	

**A brief description of the violation(s):**

*Ofc. Dotson on 01/01/02 you advised that you had physical altercation with inmate Sullivan, Larry. You reported that you had to physically grab and push the inmate away from you because of him entering your personal space as you were escorting him to the central holding cell on the [REDACTED]. You stated to Lt. Chapman and myself that you did not subdue or attempt to restrain inmate Sullivan as the incident changed from a verbal confrontation to a physical one due to your unknowing that your wing partner would assist you if the situation became physical as it seemed it was going to be. Due to your lack of basically restraining the inmate and handling a potentially violent situation you put yourself and Ofc. R. Thomas at risk for serious injury. The above policy defines as well as your actions and statements to Lt. Chapman and myself that you displayed a reluctance in performing your duty and you acted in a manner that brings discredit to yourself and the department. You also failed to appropriately react to the situation that was literally staring/threatening you in the face. Your actions and statements deem you incompetent.*

**Continuation of violation description:**

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

**Union Steward/Witness & Date:**

W. R. [Signature] 1-24-02

**Supervisors Printed Name:**

Lt Chris Chapman 1-24-02

**Employee Signature & Date:**

[Signature] #155 1-24-02

**Supervisor's Signature & Date:**

[Signature] #473 1-24-02  
CSC

**Hearing Requested:**  Yes  No

**Employee Initials:** TDD

**Hearing Results**

**Results of the Board: (If applicable)**

- Sustained
- Dismissed
- Referred to Counseling
- Reduced to: \_\_\_\_\_

*Resigned prior to hearing.  
OVR 2/5/02*

**Date of Hearing:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**For Human Resources Use Only:**

- Enter in the computer *DH 1-24-02*
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

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<b>Employee Name and Title:</b>  Tracy Dotson/Officer	<b>Date of Issue:</b>  12/11/01	<b>Area Assigned:</b>  [REDACTED]
<b>Union type:</b>  ---- Teamsters Sworn	<b>Category of Violation:</b>  <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b>  [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 1.03 Employee Code of Conduct, B. Rules of Conduct	Number 3
2. 1.03 Employee Code of Conduct, C. Specific Departmental Rules	Number 2 Compliance with orders, letter a.
3. 1.03 Employee Code of Conduct, C. Specific Departmental Rules	Number 3 Conduct Unbecoming, letter a.
4. 1.03 Employee Code of Conduct, C. Specific Departmental Rules	Number 5 Neglect of Duty, letter b.
5. 1.03 Employee Code of Conduct, C. Specific Departmental Rules	Number 3 Conduct Unbecoming, letter b.

C

**A brief description of the violation(s):**

On 12/10/01 at approximately 0345 hours you had informed me via the telephone that an Inmate you placed into Detox cell one, earlier in the shift had placed wet toilet paper on the inside window spelling out "to a bitch". You asked me over the phone, what are we going to do about the Inmate. I informed you to give me a minute and I would talk to him. As I was exiting the Sergeants office, I observed you along with two other Officers open the cell door to Detox one and enter the cell. The Inmate was sitting on the floor, as you entered and walked towards the back of the cell, I observed you bump the Inmates foot. After I had finished speaking with the Inmate, I exited the cell and informed you along with the other Officers that I was letting the Inmate out of the Detox cell. You made a facial gesture, rolling your eyes, then exhaling loudly, this was done in the presence of other Officers as well as the Inmates sitting in the [redacted] area.

Earlier in the night at approximately 2320 you had informed me that the Inmate was placed into Detox cell one due to his behavior. By your own admittance, you stated that while escorting the Inmate to the cell he was walking slow and that you had bumped his feet. You further stated that the Inmate had asked you not to kick him. As you continued to escort him, you again bumped his feet.

On 3 different occasions on this night, I observed you standing or kicking the Inmates shoes outside the Detox cell while you were conducting security rounds and making notations on the observation forms. At that time I did not think anything of this, only to find out later that you were antagonizing and harrassing this Inmate. After speaking with several staff members and investigating this incident, I was further informed that you intentionally attempted to provoke this Inmate by waving a bag of candy as you were walking the Passive booking area past Detox cell one.

Ofc. Dotson your actions could have caused this situation to escalate further. I also informed you to give me a minute and you took it upon yourself to enter the cell before I had arrived. This type of behavior will not be tolerated.

Disciplinary Action Notice prepared by Sgt. Charles Dobbs #422

**Continuation of violation description:**

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

**Union Steward/Witness & Date:**

Bull 1-8-02  
 Per - Maj. Cozma to be signed  
 Ofc. Dotson is on vacation -

**Supervisors Printed Name:**

lt Chris Chapman #2402

**Employee Signature & Date:**

Way J. Gattuso 1-24-02

Supervisor's Signature & Date: <u><i>[Signature]</i></u> <u>1-24-02</u>	Hearing Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Employee Initials: _____
--	--

**Hearing Results**

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling
- Reduced to: \_\_\_\_\_

*Resigned prior to hearing.*  
*O. J. L.*  
*2/5/02*

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

**For Human Resources Use Only:**

- Enter in the computer *DH 1-24-02*
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

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<b>Employee Name and Title:</b>  Tracy Dotson / Officer	<b>Date of Issue:</b>  11/06/01	<b>Area Assigned:</b>  [REDACTED]
<b>Union type:</b>  Teamsters Sworn	<b>Category of Violation:</b>  <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b>  [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 1.03 Employee Code of Conduct, Section IV	Procedures, Para., B, Rules of Conduct, SP., 2
2.	Para., 3, Conduct Unbecoming, SP., a
3.	
4.	
5.	

**A brief description of the violation(s):**

*The department expects and requires that all personnel maintain an exemplary standard of integrity and ethical conduct in their relationships with other personnel, INMATES and the general public.*

*No personnel commits any act which constitutes conduct unbecoming of departmental personnel. Conduct unbecoming includes, but is not limited to any criminal act, dishonest or IMPROPER CONDUCT.*

*On October 14, 2001 you were involved in a conversation with inmate Mandreal Richardson B/M #429532 housed in [REDACTED]. During this conversation you stated that you did not like an inmate because he was "BLACK". You were witnessed by inmates and other staff when making this comment. Behavior of this conduct is unbecoming of an officer and will not be tolerated in this organization.*



Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension 30 Days
- Demotion
- Termination

Union Steward/Witness & Date:

*[Signature]* #257 11/7/01  
*[Signature]* 07 November 2001

Supervisors Printed Name:

*Venning, Christopher* 11-8-01

Employee Signature & Date:

*[Signature]* #135 11-9-01

Supervisor's Signature & Date:

*[Signature]* 11-8-01

Hearing Requested:  Yes  No

Employee Initials: TDD

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling

Reduced to: 3 Day Suspension - Mandatory EAP -

Date of Hearing:

1/24/02



Union Representative's Signature:

For Human Resources Use Only:

- Enter in the computer DH 1-24-02
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b>  <i>Officer Tracy Dotson</i>	<b>Date of Issue:</b>  <i>8/1/01</i>	<b>Area Assigned:</b>  
<b>Union type:</b>  <i>Teamsters Sworn</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b>  

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 1.03 Employee Code of Conduct failure to follow supervisors orders.	Section 2 Compliance with orders
2.	
3.	
4.	
5.	

*C*

*WTB  
DH  
8-16*

**A brief description of the violation(s):**

Today while maintenance techs were working in [redacted] I instructed you to assist. You refused to assist at [redacted] stating that you were tired of watching their tools. I advised you that your job was care, custody, and control of the inmates. I further stated to you that there were three officers on the unit and we were not too busy for you to assist at [redacted] while maintenance worked on the wing. You refused to man this post stating that there were two other officers on the wing. As maintenance re-entered [redacted] I held the door as they entered. I instructed you to relieve me and you said "no" why can't one of them do it. At this point I did instruct another Officer to assist at [redacted] Be advised that any personnell who willfully disobeys or disregards a direct order oral or written of a supervisor are considered insubordinate. Your actions today do constitute insubordination. You did fail to follow a reasonable request from your supervisor. In the future when a supervisor makes a reasonable request or gives you an order, you are to follow that order.

NOTE\*\*Violation narration completed by Sgt. Cathy Butler.

**Continuation of violation description:**

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension 3 Days
- Demotion
- Termination

**Union Steward/Witness & Date:**

D. M. Al #257 8/15/01

**Supervisors Printed Name:**

Lt. Robert J. Dietz

**Employee Signature & Date:**

Lt. Robert J. Dietz 8/15/01

Lt Chris Chapman #473 8-15-01

Wm J. A #135 8-15-01

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Union Steward/Witness & Date:

Supervisors Printed Name:

Employee Signature & Date:

Supervisor's Signature & Date:

*[Handwritten Signature]*

8-15-01

Hearing Requested:  Yes  No

Employee Initials:

TDD

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling

Reduced to:

3 Day Suspension

Date of Hearing:

1/24/02

Union Representative's Signature:

*[Handwritten Signature]*

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

DH 1-24-02




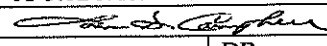
LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

DEPARTMENTAL POLICY

Chapter: Administration

Section: Personnel

 COPY

Index Number:	01-3.02	Title:	Employee Code of Ethics and Conduct
Supercedes:	01-3.02 9/15/2007		
Approved By:		Effective Date:	10/27/2007
OD:		DB:	PO:
Governing Authority:	<i>Kevin M. Allen</i>		Date: 10/16/07

**I. POLICY**

Louisville Metro Department of Corrections (LMDC) shall establish acceptable standards of conduct for all employees as set forth by this policy. Employees of LMDC shall not use their official position to secure privileges for themselves or others, engage in activities that constitute a conflict of interest, engage in behavior which would bring discredit to the Department or violate any individual's constitutionally guaranteed rights.

**II. SOURCES**

- KRS 61.872, et. Seq.
- 501 KAR 3:040 Personnel
- Louisville Metro Government Personnel Policy 1.6
- ACA Standards for Adult Local Detention Facilities 4<sup>th</sup> Edition 4-ALDF-7C-02 and 03
- ACA Standards for Correctional Training Academies 1<sup>st</sup> Edition 1-CTA-1C-12

**III. DEFINITIONS**

**Pat Down or Frisk Search:** A search during which a person is not required to remove clothing, and includes a visual inspection of the open mouth.

**Strip Search:** A body search during which a person is required to remove clothing, and is subject to visual inspection of the genital and anal areas as well as other body cavities.

**Dereliction:** Abandonment or neglect of duty or responsibilities.

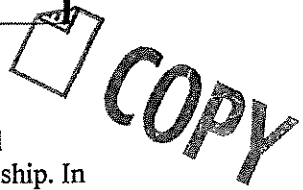
**General Public:** Total population, inclusive of all court officials and law enforcement personnel.

**Inmate:** Any individual, whether in pretrial, unsentenced or sentenced status, who is confined in a correctional facility, under the supervision of a correctional agency or a former LMDC inmate who has been released from custody or supervision within the past twelve (12) months.

**Personnel:** Any individual involved in providing supervision and/or services for the inmate population, including but not limited to, Departmental employees, interns, service contractors, volunteers and staff from other government agencies.

**Subordinate:** Lower in rank than the immediate supervisor in the Chain of Command. All personnel are subordinate to their immediate supervisor and to all levels above the rank of their immediate supervisor in the Chain of Command, as defined in LMDC Policy 01-1.04 Chain of Command.

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**Date:** A social engagement between individuals made out of romantic interest.

**Romantic Relationship:** Physical intimacy, sexual contact or continual dating. Casual acquaintances and ordinary business fraternization do not constitute a romantic relationship. In determining what behavior constitutes a romantic relationship, the Department shall take into account the following factors: length and nature of the relationship, and frequency and type of interaction between the involved employees.

**Immediate Family Members:** The parents, siblings, spouse and children of personnel.

**IV. AUDIT FREQUENCY**

This policy shall be reviewed annually.

**V. APPLICABILITY**

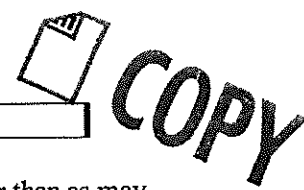
This policy is applicable to all employees, contract vendors and volunteers of Louisville Metro Department of Corrections.

**VI. PROTOCOL**

New staff shall acknowledge in writing that they have reviewed Departmental rules, ethics, regulations, conditions of employment and other related documents. A copy of the signed acknowledgement shall be placed in each employee's personnel file.

**A. Code of Ethics**


1. Personnel shall not:
  - a. Exchange a personal gift or favor with an inmate, their immediate family members or friends, including but not limited to visitors of the inmate.
  - b. Accept any form of bribe or unlawful inducement.
  - c. Perform duties under the influence of an intoxicant, including but not limited to prescription medications.
  - d. Consume an intoxicant while on duty.
  - e. Violate or disobey any established laws, rules, administrative regulations or lawful orders from any person to which they are subordinate.
  - f. Discriminate against an inmate on the basis of race, age, religion, creed, gender, national origin, disability or any other protected individual characteristic.
  - g. Employ corporal punishment or unnecessary physical force.
  - h. Subject an inmate to physical or mental abuse.
  - i. Intentionally demean or humiliate an inmate.
  - j. Bring a weapon or item declared as contraband into the jail without proper authorization, as defined in LMDC Policy 03-2.19 Contraband.
  - k. Engage in a discussion that is critical of staff or an inmate in the presence of another inmate.
  - l. Divulge confidential information without proper authorization, including but not limited to medical information.
  - m. Withhold information which threatens the security of LMDC facilities, staff, visitors, inmates or the community.
  - n. Endanger the well-being of self or others.
  - o. Engage in a business or profitable enterprise with an inmate.

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- p. Inquire about, disclose or discuss details of an inmate's crime other than as may be absolutely necessary in performing official duties.
  - q. Engage in horseplay (i.e., physical contact that may cause harm or injury).
2. Personnel shall:
- a. Treat each inmate in a fair and impartial manner.
  - b. Report any violation of the Code of Ethics and Conduct to their direct supervisor, unless the direct supervisor perpetrated the violation. In such an event, the employee may bypass their direct supervisor and report the violation to the next highest supervisor in the direct Chain of Command as dictated by LMDC Policy 01-1.04 Chain of Command.
3. Violations of Code of Ethics and Conduct  
Any violations of the Code of Ethics and Conduct shall be made part of the employee's personnel file, and shall be grounds for disciplinary action, up to and including termination.
4. Behavior
- a. Personnel shall conduct themselves with co-workers, the public and inmates in a respectful and courteous manner.
  - b. Relationships with colleagues shall be of such character as to promote mutual respect within the profession and in public, and shall adhere to all applicable Departmental regulations.
  - c. Employees shall be diligent in their responsibility to protect staff, inmates and the general public. To that end, employees shall report, without reservation, any corrupt, unethical or unsafe behavior.
  - d. The Department shall not tolerate retaliation or reprisals for such disclosures.
  - e. Any employee responsible for Departmental personnel actions shall make all appointments, promotions, disciplinary actions or terminations based solely on merit and contractual obligations and not in furtherance of partisan political interests.
5. Records and Information
- a. Personnel shall maintain the integrity of private information.
  - b. Subject to inmate's privacy rights and the Department's security needs, personnel shall respect the public's right to certain information, and shall share such information with the public with openness and candor in accordance with KRS 61.872, et. Seq. Kentucky Open Records Act.
  - c. Any release of confidential information shall require the prior written consent of the Director. Failure to obtain prior approval may be grounds for disciplinary action, up to and including termination.
6. News Media
- a. In any public statement, including any statement made to the media, employees shall clearly distinguish between personal views, statements and positions taken on behalf of the Department.
  - b. Personnel shall obtain the written approval of the Director prior to making any statement on behalf of the Department (LMDC Policy 01-10.01 Media).

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## **B. Code of Conduct**

All personnel shall maintain exemplary personal integrity and ethical conduct in their relationships with other employees, inmates and the general public.

### **1. Compliance with Orders**

- a. Any employee who willfully disobeys or disregards the direct order of a supervisor, whether oral or written, shall be considered insubordinate.
- b. In the event of conflicting orders, employees may respectfully call the conflict to the attention of the supervisor giving the last conflicting order.
- c. If the latter supervisor does not change the order, it shall be obeyed and employees are thereafter relieved of the responsibility of disobeying the first order.
- d. Supervisors shall not issue any order that would require a subordinate to commit any illegal, immoral or unethical acts.
- e. Employees are not required to obey any order that would cause them to commit any illegal, immoral or unethical acts, nor any act that violates Departmental policy.

### **2. Conduct Unbecoming**

- a. Employees shall not commit any act that constitutes Conduct Unbecoming of a Departmental employee.
- b. Conduct Unbecoming includes, but not limited to, criminal acts, dishonesty, or other improper conduct. The Department shall determine what constitutes Conduct Unbecoming a Departmental employee.
- c. Employees shall avoid giving the appearance of impropriety (i.e., an improper act or remark).

### **3. Interpersonal Relationships**

- a. All supervisors, uniform, non-uniform and contract personnel shall refrain from engaging in romantic relationships with employees who work in their direct Chain of Command, as defined in LMDC Policy 01-1.04 Chain of Command.
- b. Employees and prospective employees shall promptly disclose romantic relationships up the Chain of Command.
- c. Employees who fail to disclose the relationship may be subject to disciplinary action, up to and including termination.
- d. Prospective employees who fail to disclose such relationships may be rejected for employment.
- e. Upon such disclosure, LMDC shall make every reasonable effort to reassign one (1) or both individuals into a separate Chain of Command.
- f. Some employees may be ineligible for the transfer or bid outside of their current Chain of Command, in order to prevent the transfer or bid from having an adverse impact on other employees.
- g. Employees, utilizing sound judgment, shall not engage in public displays of affection while in uniform.





4. Family Relationships

- a. LMDC does not prohibit the employment of immediate family members in the same administrative area, provided that one (1) family member is not in the direct Chain of Command of another family member.
- b. Employees and prospective employees shall promptly disclose immediate family relationships up the Chain of Command.
- c. Employees who fail to disclose the relationship may be subject to disciplinary action, up to and including termination.
- d. Prospective employees who fail to disclose such relationships may be rejected for employment.
- e. Upon such disclosure, LMDC shall make every reasonable effort to reassign one (1) or both of the family members into a separate Chain of Command.
- f. Some employees may be ineligible for transfer or bid outside of their current direct Chain of Command, in order to avoid the transfer or bid from having an adverse impact on other employees.

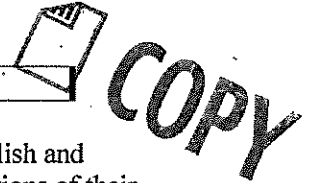
5. Dereliction of Duty

- a. Dereliction of Duty on the part of any employee shall be cause for disciplinary action, up to and including termination.
- b. The Department shall determine what acts or omissions constitute Dereliction of Duty, which include but not limited to:
  - i. Failure to obey an order;
  - ii. Willful, serious or repeated violation of any rule, regulation or policy of the Department;
  - iii. Failure to report an incident that is a violation of Departmental policy and procedure;
  - iv. Falsification, unauthorized alteration or unauthorized destruction of documents or records;
  - v. Knowingly making false statements, deliberately omitting facts or failing to cooperate during an inquiry or investigation;
  - vi. Disclosing confidential information to unauthorized persons;
  - vii. Absence without authorized leave (AWOL), including failure to report for duty on time or leaving a place of duty or assignment without the authorization of a supervisor;
  - viii. Failure to assist or support a fellow employee;
  - ix. Failure to perform duties without a valid reason;
  - x. Sleeping on duty;
  - xi. Failure to complete required training or unauthorized absence from required training;
  - xii. Displaying a reluctance to properly perform assigned duties;
  - xiii. Acting in a manner tending to bring discredit upon the employee or the Department; or
  - xiv. Failure to exercise due diligence in the performance of duties.

6. Neglect of Duty

- a. Employees shall competently and properly perform their duties and assume the responsibilities set forth in their job descriptions.

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- b. Employees shall perform their duties in a manner that tends to establish and maintain the highest standards of efficiency in carrying out the functions of their duties and the objectives of the Department.
- c. Incompetence may be demonstrated by lack of knowledge of the application of Departmental policies and procedures and an unwillingness or inability to perform assigned tasks.
- d. Failure to consistently conform to work standards established for the employee's rank, grade or position shall be deemed incompetence.
- e. Failure to take appropriate action on the occasion of a crime, disorderly conduct by an inmate or other conditions deserving the employee's attention shall be deemed incompetence.
- f. Failure to perform supervisory, administrative or decision-making responsibilities in an acceptable or suitable manner as set forth in one's job description, policies and procedures, post orders or other regulations shall be deemed incompetence.
- g. Absence without leave (AWOL) or unexcused absence from assigned duties or tours of duty shall be deemed incompetence and/or neglect of duty.
- h. A record of repeated infractions of Departmental policies and procedures shall be deemed as incompetence and neglect of duty.

7. Monitoring Use of Alcohol or Other Drugs

- a. Employees shall not bring or store alcoholic beverages in any LMDC facility or vehicle, except for those alcoholic beverages which are properly tagged, marked and held as evidence.
- b. Employees shall not drink intoxicating beverages while on duty, appear for duty while under the influence of intoxicants to any degree and/or have the odor of intoxicants on their breath or person.
- c. Refusal to submit to a Breathalyzer test or other analysis shall be grounds for disciplinary action (LMDC Policy 01-3.13 Employee Drug Testing).
- d. Alcoholic beverages shall not be purchased or consumed while wearing any part of the Departmental uniform.
- e. Employees shall not take any narcotic or controlled substance, unless prescribed by a physician to them.
- f. Employees taking prescription medication prior to or while on duty shall notify their supervisor of the medication prescribed to them. The Department may refuse to allow an employee to work while under the influence of narcotics or other controlled substances.
- g. The employee shall not be required to inform the supervisor of the nature of the ailment or reason for the medication.
- h. Employees may be referred to the Departmental Personnel Administrator to determine whether any other information needs to be relayed to Administrative staff.

8. General Rules of Conduct

- a. Employees shall not participate in activities with inmates, or with inmates' friends or families outside of the facility.
- b. Employees shall not solicit, barter or accept any gift, personal favor or loan from an inmate.
- c. Employees shall not give inmates any gifts or items of value, such as clothing, money or jewelry.



- d. Employees shall not grant or promise any inmate special privileges or favors not available to all inmates.
- e. Employees shall use discretion and good judgment in determining what information, if any, to give inmates concerning the Department. Personnel shall not talk to inmates about other Departmental staff.
- f. Employees shall not bring or allow others to bring contraband into LMDC facilities.
- g. Employees shall not give contraband to inmates and/or make contraband available through any means (LMDC Policy 03-2.19 Contraband).
- h. Employees shall not personally utilize services or programs, such as dental or medical care, designated for the welfare of inmates.

**9. Relationship of Employees with Inmates**

- a. Employees shall provide for the legitimate needs of the inmates.
- b. Employees shall use only the minimum amount of force necessary under the circumstances to control an inmate.
- c. Employees shall treat inmates with respect, courtesy and firmness.
- d. Employees shall not use profane, demeaning, insulting or threatening language when speaking to inmates, nor manage inmates by intimidation.
- e. Employees shall limit their association/contact with visitors to only that necessary, and treat visitors with respect and courtesy even where firmness is required.
- f. Employees shall not form personal relationships with inmates.
- g. Employees shall not become romantically involved with an inmate to include present or former inmates.
- h. Employees shall not provide written or oral statements related to an inmate's conduct for pre-sentencing reports, pre-parole reports or any other similar documentation without approval of the Director/designee.

**10. Correspondence/Telephone Calls**

- a. Employees shall not correspond with any inmate for any purpose unrelated to the employee's professional responsibilities.
- b. The employee shall notify their supervisor if they receive any correspondence from an inmate in any LMDC facility or any other facility, and complete an Incident Report and forward to the Professional Standards Unit.
- c. Employees shall not provide any inmate their personal phone number and address.
- d. Employees shall not accept any personal phone calls from any inmate without the approval of the Director/designee.
- e. All requests from staff to correspond with an inmate shall be in writing to the Director/designee.
- f. All approved and denied requests shall be forwarded to the Professional Standards Unit by the Director/designee.

**11. Abuse of Position**

- a. Employees shall not use their official position, identification cards or badges for personal or financial gain or special favors.
- b. Employees shall not permit or authorize the use of their name, photograph or official title in connection with testimonials, advertisements or commercial enterprises without prior approval of the Director.



12. Official Identification

- a. Employees shall carry their official Departmental Identification on their person at all times, except when impractical or dangerous to their safety.
- b. Employees shall not lend their identification cards, badges, weapons or other official or Departmental items or equipment to any unauthorized person, including other law enforcement personnel.
- c. Employees shall not allow any reproduction of official Department issued identification cards or badges.

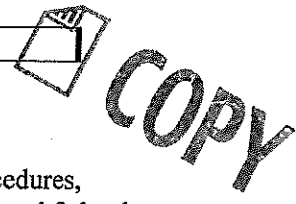
13. Searches and Contraband

- a. Departmental staff shall be subject to pat down or frisk searches at any time upon authorization of the Shift Commander, Major, Deputy Director and /or Director.
- b. An employee may be strip searched upon authorization by the Major, Deputy Director or Director, if probable cause exists that an employee is introducing or removing contraband. Any strip search shall be conducted in a private location by members of the same sex as the employee being searched.
- c. Departmental staff entering any LMDC facility in possession of bags, purses, briefcases, containers, etc. shall be subject to search and/or processed through the metal detectors.
- d. The following items, to include but not limited to, shall be considered contraband for the staff assigned to secure areas, and shall not be permitted on any security post, in any office or in any control room unless authorized by the Shift Commander, Major, Deputy Director and/or Director:
  - i. Personal cell phones;
  - ii. CD players;
  - iii. Portable DVD players;
  - iv. AM/FM radios;
  - v. Tobacco products and related items (i.e., lighters, matches, rolling papers, etc.); and
  - vi. Personal reading material.
- e. Departmental issued cell phones are permissible in secure areas.
- f. Lockers are available to staff for storage of the above listed items in the non-secured areas.

14. Additional Considerations

- a. Employees shall maintain a residential telephone and/or cell phone and inform the Department of the telephone number(s).
- b. Employees shall notify the Department within twenty-four (24) hours of any change in telephone numbers and/or address.
- c. Employees shall not engage in any outside or secondary employment without the prior written approval of the Director/designee.
- d. Each violation of this policy shall be reviewed on a case-by-case basis and may be cause for disciplinary action, up to and including termination.

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15. Conformance to Law

- a. Employees are required to adhere to Departmental policies and procedures, Louisville Metro Government Personnel Policies and all local, state and federal laws.
- b. All employees involved in any civil or criminal legal action, either as a party or a witness, are required to notify their immediate supervisor and provide requested documentation or subpoenas.

16. Punctuality

- a. Employees shall be punctual in reporting for duty at the time and place specified by their supervisor.
- b. Employees shall not be absent from duty without leave (AWOL) or without authorization from their supervisor.



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

TOM D. CAMPBELL  
DIRECTOR

December 12, 2007

Officer Tracy Dotson

[REDACTED]  
Louisville, KY 40215

Dear Officer Dotson:

After hearing your side of the issue during the pre-termination hearing and careful consideration of the seriousness of the policy violations, the Department has decided to terminate your employment immediately. As a member of a collective bargaining agreement, you may have the right to file an appeal. Please refer to your union contract for specific instructions.

You must return any property that belongs to Louisville Metropolitan Corrections immediately upon receipt of this letter to Major Dietz in the administrative office, 3<sup>rd</sup> floor of the New Jail Complex at 400 South Sixth Street. We will forward your final paycheck to the address appearing on your check unless otherwise stipulated by you. Information concerning your benefits will be forwarded to you from the Metro Human Resources Department.

Sincerely,

Kevin Sidebottom  
Deputy Director

C: Lynne Fleming  
Metro HR Assistant Director  
(Verbal HR Review w/Deputy Director Sidebottom)

**Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Dotson, Tracy</i>	<b>Date:</b> <i>December 6, 2007</i>	<b>Area Assigned:</b> <b>Shift:</b> [REDACTED]
<b>Union type:</b> <i>FOP Line Staff</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 1.17 Employee Code of Ethics and Conduct	A. 1) Personnel/ Employees shall not: Section g. B. 2. Conduct Unbecoming Section b.
2.	B. 5 Dereliction of Duty, sections xii., xiii., and xiv. B. 9 Relationship of Employees with Inmates section b.
3. 4.11 Use of Force	A. Usage: Section 1-a, and 1-b

**A brief description of the violation(s):**

**You used excessive and unnecessary force against Inmate Michael Smith on November 6, 2007. Inmate Smith was arrested for alcohol intoxication. You handcuffed Mr. Smith and then tried to conduct a search. It is reasonable to think an inebriated inmate who is handcuffed behind his back may have difficulty maintaining his balance. You report that Mr. Smith kept backing off from the wall, so you used a leg sweep to take him to the floor. Mr. Smith subsequently incurred injuries from your use of force. He lost consciousness and had to be taken to the hospital to receive stitches above his right eye. You had other options available to you. In fact, there were two co-workers present during this incident and you did not request assistance from either co-worker.**

**After reviewing the tape and witness accounts, your use of force during this incident is clearly excessive and unnecessary.**

**Preparer's Name: Major Robert Dietz**

**Continuation of violation description:**

C: 40 employee Policy 01-3.02 Code of Ethics & conduct  
01-4.11 Use of Force  
Post order JC-02 Grill Search

**Recommended Action: (Choose One)**

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

*Major*

**Hearing Requested:**  Yes  No  
*(Teamster & AFSME only non-union refer to personnel policy 15.1)*

*Tom J. [Signature]* 12-6-07  
**Employee Signature & Date:**

*George [Signature]* 12-6-07  
**Union Steward/Witness & Date:**

*MAJOR ROBERT Dietz* 12/6/07  
**Issuing Supervisor's Printed Name Date**

*MAJOR ROBERT [Signature]* 12/6/07  
**Issuing Supervisor's Signature Date**

**Hearing Results**

**Results of the Board: (If applicable)**

- Sustained
- Dismissed
- Referred to Counseling

Reduced to: \_\_\_\_\_

**Date of Hearing:** *12-11-07* **Union Representative's Signature:** *[Signature]*

**Board Chairman's Signature:** *[Signature]*

**For Human Resources Use Only:**

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
DEC 14 2007





LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

TOM D. CAMPBELL  
DIRECTOR

December 6, 2007

Officer Tracy Dotson

[REDACTED]  
Louisville, KY 40215

Dear Officer Dotson:

RE: PRE-TERMINATION OPPORTUNITY TO RESPOND

SUMMARY OF CHARGES:

You were involved in an incident with Inmate Michael Smith on November 6, 2007 in which you violated several departmental policies. You have received a Disciplinary Action Notice in which termination is recommended. The foregoing actions constitute violations of the following rules and standards of conduct:

Louisville Metro Corrections Policies:

- 1.17 Employee Code of Ethics and Conduct
- A. 1) Personnel/ Employees shall not: Section g.
  - B. 2. Conduct Unbecoming Section b.
  - B. 5 Dereliction of Duty, sections xii., xiii., and xiv.
  - B. 9 Relationship of Employees with Inmates section b.
- 4.11 Use of Force
- A. Usage: Section 1-a, and 1-b

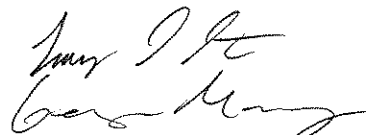
RECOMMENDED ACTION: TERMINATION FROM EMPLOYMENT

You have been advised of the charges against you, and of the recommended action. Your pre-termination hearing is scheduled for Tuesday, December 11<sup>th</sup> at 10:00 a.m. You will be given an opportunity to respond to the proposed action, address the factual assumptions set forth, and to explain your side of this situation at that time. You have the right per your collective bargaining agreement to bring a union steward.

Sincerely,

  
Deputy Director Kevin Sidebottom

C: Lynne Fleming Metro HR Assistant Director



**Haines, Leeshell V**

---

**From:** Beaven, Karen  
**Sent:** Tuesday, December 11, 2007 4:50 PM  
**To:** Metro Corrections Everyone  
**Subject:** No Longer Employed

Effective December 11, 2007, Tracy Dotson is no longer employed with the Louisville Metro Department of Corrections.



*Karen Beaven  
Executive Assistant  
Metro Corrections  
574-2188*



**Louisville-Jefferson County Metro Government**  
Position and Personnel Action Form



Department: Metro Corrections

Add \_\_\_\_\_ Change X

POSITION DATA      Position Number **3 7 0 0 0 5 9 7**

Effective Date:	Dept ID:	Action Code:	Reason:
Budget Amount:	Job Code:	R/T:	F/P:
Budget Account/Location:		Hours:	Class. Ind: <u>U C</u>
Fund:	Dept.:	Division:	Unit Activity:
		Account:	

PERSONAL DATA      Employee ID **2 7 2 4 6**

Name	Effective Date: <u>3-27-09</u>	First Name: <b>TRACY</b>	MI:	Last Name: <b>DOTSON</b>
Address	Marital Status: <u>Single</u>	Original Hire Date:		
	Address 1:	City:	County:	Zip Code:    State:
Phone	Home Phone:	Business Phone:		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>M</u>	F	Birthdate:	Soc. Sec. #: <span style="background-color: black; color: black;">XXXXXXXXXX</span>	Ethnic:
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JOB DATA

Job Title: **CORRECTION OFFICER**

Work Location  
Job Info

Effective Date: <u>4-27-09</u>	Action: <b>SUS</b>	Reason: <b>DAC</b>
Job Code:	Entry Date:	R/T:      F/P:
Standard Hours:	Special Duty Elig.: <u>Y</u> <u>N</u>	FLSA Status:    Exempt    Nonexempt

Job Labor Payroll

Union Code:	Union Sen. Date:	Leave Accrual Date:	Longevity Date:
Pay Group	FICA Status: <u>Exempt</u> <u>Sub.</u> <u>Med.</u>	Location:	
Budget Account		Dept:	Division:      Unit Activity:

Salary Plan

Fund:	Dept:	Division:	Unit Activity:	Account:
Salary Admin Plan:	Grade:	Grade Entry Date:		
Step:	Step Entry Date	Out of Step: <u>Y</u> <u>N</u>	Time & Labor: <u>Y</u> <u>N</u>	

Compensation

Base Rate Code: <b>NAHRLY</b>	Base Comp Rate: <u>Old</u> <u>New</u>	<b>Additional Rate Codes and Pay</b>	
<b>Total Hourly Comp Rate:</b>		Rate Code: _____	Comp Rate: _____
\$ _____		Rate Code: _____	Comp Rate: _____
Annual Rate	Biweekly Rate	Rate Code: _____	Comp Rate: _____
\$ _____	\$ _____	Rate Code: _____	Comp Rate: _____

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>S</u> <u>M</u>	Withholding Allow.:	Add'l Withholdings: \$
State Tax 1	State:	Resident <u>Y</u> <u>N</u>	Marital Status: <u>S</u> <u>M</u>	WH Allow:      Add'l WH: \$
Local Tax	Locality:	Other Work Locality:	Branch (for Library Use):	

TAX DISTRIBUTION

Effective Date: <u>Same As Tax Data</u>	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

	<u>4-14-09</u>	Budget (if applicable)	Date	Mayor's Office	Date
Director of Civil Service	Date	Director of Human Resources	Date		

**Fitzpatrick, Denise**

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**From:** Rowe, Charles  
**Sent:** Wednesday, April 15, 2009 2:13 AM  
**To:** Beaven, Karen  
**Cc:** Thompson, Dawn; Fitzpatrick, Denise; Anderson, Tammy; Valentine, Tomeca  
**Subject:** RE: Suspension

Please be advised that Ofc. Tracy Dotson will be serving his 3 day suspension on April 27, 28 & 29, 2009. Ofc. Dotson's off days are Friday & Saturday. He will return to work on April 30, 2009.



**Lt. Charles Rowe**  
**Louisville Metro Department of Corrections**  
**CCC, 3rd Shift**  
**316 E. Chestnut Street**  
**Louisville, Kentucky 40202**  
**Office phone# (502) 574-8973**

---

**From:** Beaven, Karen  
**Sent:** Tuesday, April 14, 2009 12:25 PM  
**To:** Rowe, Charles  
**Cc:** Thompson, Dawn; Fitzpatrick, Denise; Anderson, Tammy; Valentine, Tomeca  
**Subject:** Suspension

Tracy Dotson received a three day suspension at a disciplinary review on April 14, 2009. In accordance with past and present practice, please schedule his suspension within **seven** days of the date of the hearing. Please notify the employee and Denise Fitzpatrick in writing of the dates the suspension will be served, noting off-days and the return to work date.

Suspension dates may be scheduled according to the needs of the unit.

If you have any questions, please contact Denise at 2002.

*Karen Beaven*  
*Executive Assistant*  
*Louisville Metro Department of Corrections*  
*502-574-2188*

**Jefferson County Corrections Department  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> Officer Tracy Dotson	<b>Date:</b> March 30, 2009	<b>Area Assigned:</b> Shift: [REDACTED]
<b>Union type:</b> FOP Sworn	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 03-2.05 Departmental Key Control and Usage	F6 Handling Security Keys
2. 01-3.02 Employee Code of Ethics and Conduct	A4(a)(b) Behavior B2(a)(b)(c) Conduct Unbecoming
3. 01-3.06 Harrassment	D(1)(2) Hostile Work Environment E(1)(2)d Workplace Violence

**A brief description of the violation(s):**

On January 13, 2009, while working the Booking floor, you relieved Ofc. Aubrey for break in [REDACTED] Upon your own admission, before departing the post, you turned back and stated "you forgot your keys fag" and tossed the keys at him. Your actions were a direct violation of policy 03-2.05 Departmental Key Control and Usage, which states that "keys shall be exchanged hand-to-hand, never tossed". You were also in violation of 01-3.02 Employee Code of Ethics and Conduct. Your behavior was unacceptable and your conduct was unbecoming of an officer. Policy states that personnel shall conduct themselves with co-workers in a respectuland courteous manner.

Immediatley after departing [REDACTED] you walked onto the Booking floor and intentionally bumped Capt. Chapman who was standing at the officer work station. It has also been determined that your actions and behavior were unbecoming of an officer. You violated Policy 01-3.06 Harrassment and Policy 01-3.02 Employee Code of Ethics and Conduct. Policy states that the department will strive to provide a work environment free from conduct that portrays hostility.....or intimidation...

Conduct of this nature will not be tolerated by the department. Future incidents such as these can result in disciplinary up to and including termination.

Preparer's Name: MAJOR ROBERT DICTZ

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension 3 Days / Re-Assignment to CCC Third Shift. Restricted From bidding to NJC For one year.
- Demotion
- Termination

Hearing Requested:  Yes  No

T Dotson #401 4-1-09  
Employee Signature & Date:

Angela Spinks #530 4/1/09  
Union Steward/Witness & Date:

Dawn Thompson 04-01-09  
Issuing Supervisor's Printed Name Date

Capt. D.M. Thompson 04-01-09  
Issuing Supervisor's Signature Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling
- Reduced to: \_\_\_\_\_

T Dotson #401

Date of Hearing: 4/14/09 Union Representative's Signature: R.J. Hari 4-14-09

Board Chairman's Signature: Dwayne A. Clark

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Court card and letter prepared for fiscal court
- Copy of final disposition to personnel file
- Copy placed in employee's file

ENTERED W.B.  
APR 14 2009



**Louisville-Jefferson County Metro Government**  
Position and Personnel Action Form



Department: Metro Corrections

Add \_\_\_\_\_ Change X

POSITION: 3 7 0 0 0 5 9 7

Effective: <u>Update Tracy Dotson</u>	Reason:	LOG		KEY
Budget: <u>tapes to what</u>	R/T:	F/P:	Hours:	Class. Ind.:
Budget: <u>they were. He</u>	Division:		Unit Activity:	Account:
Fu:	2 7 2 4 6		9/3	

PERS: is a rehiring grievance

Name: \_\_\_\_\_ First Name: TRACY MI: \_\_\_\_\_ Last Name: DOTSON

11/17/2008

Single  Married  Original Hire Date: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ Zip Code: \_\_\_\_\_ State: \_\_\_\_\_

Business Phone: \_\_\_\_\_

ITY/IDENTITY

F  Birthdate: \_\_\_\_\_ Soc. Sec. #: \_\_\_\_\_ Ethnic: \_\_\_\_\_

Job Title: CORRECTION OFFICER

Work Location: \_\_\_\_\_

Job Info: Effective Date: 11-17-08 Action: REH Reason: GRS

Job Code: 083150 Entry Date: 10/22/04 R/T: \_\_\_\_\_ F/P: \_\_\_\_\_

Standard Hours: 40 Special Duty Elig.: Y N FLSA Status: Exempt Nonexempt

Job Labor Payroll: Union Code: 21 Union Sen. Date: 10/22/04 Leave Accrual Date: 1/27/03 Longevity Date: 1/27/03

Pay Group: RWD FICA Status: \_\_\_\_\_ Location: \_\_\_\_\_

Budget Account: Exempt  Sub.  Med.  Dept: 370 Division: 3030 Unit Activity: 300130

Salary Plan: Fund: 1101 Dent: 370 Division: 3030 Unit Activity: 300130 Account: 511102

Salary Admin Plan: 421 Grade: 001 Grade Entry Date: 10/22/04

Step: 4 Step Entry Date: 1/27/06 Out of Step: Y N Time & Labor: Y N

Compensation

Base Rate Code: <u>NAHRLY</u>	Base Comp Rate: Old <u>14.66</u> New <u>14.66</u>	Additional Rate Codes and Pay	
Total Hourly Comp Rate: \$ <u>14.66</u>		Rate Code:	Rate: _____
Annual Rate: \$ <u>30,492.80</u>	Biweekly Rate: \$ _____	Rate:	Rate: _____

*The grade entry date and step date reverted to rehiring will fix later.*

RECEIVED  
08 AUG 29 AM 11:21  
LOU CIVIL SERVICE BOARD

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1: Eff. Date: \_\_\_\_\_ Marital Status: S Add'l Withholdings: \$ \_\_\_\_\_

State Tax 1: State: \_\_\_\_\_ Resident: Y N Marital Status: S M WH Allow: \_\_\_\_\_ Add'l WH: \$ \_\_\_\_\_

Local Tax: Locality: \_\_\_\_\_ Other Work Locality: \_\_\_\_\_ Branch (for Library Use): \_\_\_\_\_

TAX DISTRIBUTION: Effective Date: Same As Tax Data State: \_\_\_\_\_ Locality: \_\_\_\_\_ Distribution: 100%

APPROVALS

Agency Director: [Signature] Date: 8/29/08

Director of Civil Service: \_\_\_\_\_ Date: \_\_\_\_\_

Director of Human Resources: [Signature] Date: 9/2/08



**Louisville-Jefferson County Metro Government**  
Position and Personnel Action Form



Department: Metro Corrections

Add \_\_\_\_\_ Change X

POSITION DATA      Position Number **3 7 0 0 0 5 9 7**

Effective Date:	Dept ID:	Action Code:	Reason:
Budget Amount:	Job Code:	R/T:	F/P:
Hours:		Class. Ind.: <u>U C</u>	
Budget Account/Location:			
Fund:	Dept:	Division:	Unit Activity:
Account:			

PERSONAL DATA      Employee ID **2 7 2 4 6**

Name	Effective Date: <u>4-30-09</u>	First Name: <b>TRACY</b>	Mi:	Last Name: <b>DOTSON</b>
Address	Marital Status: <u>Single</u>	Married	Original Hire Date:	
Phone	Address 1:	City:	County:	Zip Code:
	Home Phone:	Business Phone:		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>M</u>	F	Birthdate:	Soc. Sec. #: <span style="background-color: black; color: black;">XXXXXXXXXX</span>	Ethnic:
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JOB DATA      Job Title: **CORRECTION OFFICER**

Work Location	Effective Date: <u>4-30-09</u>	Action: <b>REC</b>	Reason: <b>RFS</b>
Job Info	Job Code:	Entry Date:	R/T:
	F/P:		
Job Labor	Standard Hours:	Special Duty Elig.: <u>Y</u>	N
Payroll	FLSA Status: <u>Exempt</u>	Nonexempt	
	Union Code:	Union Sen. Date:	Leave Accrual Date:
	Longevity Date:		
Salary Plan	Pay Group:	FICA Status: <u>Exempt</u>	Sub. <u>Med.</u>
	Location:	Dept:	Division:
	Unit Activity:		
	Budget Account		
	Fund:	Dept:	Division:
	Unit Activity:	Account:	
	Salary Admin Plan:	Grade:	Grade Entry Date:
	Step:	Step Entry Date:	Out of Step: <u>Y</u>
			N
			Time & Labor: <u>Y</u>
			N

Compensation

Base Rate Code: <b>NAHRLY</b>	Base Comp Rate: Old	New	Additional Rate Codes and Pay	
Total Hourly Comp Rate: \$ _____			Rate Code: _____	Comp Rate: _____
Annual Rate \$ _____	Biweekly Rate \$ _____		Rate Code: _____	Comp Rate: _____
			Rate Code: _____	Comp Rate: _____

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>S</u>	M	Withholding Allow.:	Add'l Withholdings: \$
State Tax 1	State:	Resident: <u>Y</u>	N	Marital Status: <u>S</u>	M
Local Tax	Locality:	Other Work Locality:	Branch (for Library Use):		

TAX DISTRIBUTION

Effective Date: <u>Same As Tax Data</u>	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

Agency Director:	Date: <u>4-9-09</u>	Budget (if applicable):	Date:	Mayor's Office:	Date:
Director of Civil Service:	Date:	Director of Human Resources:	Date:		



File

Louisville Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)

\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.

Employee Name and Title: Officer Tracy Dotson	Date: January 9, 2007	Area Assigned: Shift: [REDACTED]
Union type: FOP Line Staff	Category of Violation: <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	Section Assigned: [REDACTED]

You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):

Policy Number, Title, Section, Subsection	Subsection or Section Title (if applicable)
1. 01-3.14 Use of Tobacco Product	Section A#1&2 "Intro of Tobacco Products"
2.	
3.	

A brief description of the violation(s):

On January 6, 2007 Officer Tracy Dotson spit tobacco fluids from his mouth into an officers soda bottle which was left in the exterior control room on the counter top. Officer Dotson then placed the bottle back onto the control room counter top. Minutes later, an unsuspecting officer drank from the bottle which was spit in by Officer Dotson. Consequently, the officer became sick and complained of stomach complications. Officer Dotson's actions clearly violate policy's 01-3.14 entitled Use of Tobacco Products.

Policy 1-3.14 Use of Tobacco Products states "The introduction of tobacco products or smoking materials in any form within any area of the facility, not specifically designated as a smoking area, is prohibited. Staff found smoking or using tobacco products in unauthorized areas shall be considered in violation of state law, local ordinances and Departmental policy and shall be subject to disciplinary action."

Preparer's Name: Captain Martin Baker # 105

Continuation of violation description:

<p><b>Recommended Action:</b> (Choose One)</p> <p><input checked="" type="checkbox"/> Verbal (Not entitled to a hearing) <i>AB</i></p> <p><input type="checkbox"/> Written (Not entitled to a hearing)</p> <p><input type="checkbox"/> Suspension _____ Days</p> <p><input type="checkbox"/> Demotion</p> <p><input type="checkbox"/> Termination</p>	<p><b>Hearing Requested:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>(Teamster &amp; AFSME only non-union refer to personnel policy 15.1)</i></p> <p><u>T Dotson #671</u> <u>2-2-07</u>  <b>Employee Signature &amp; Date:</b></p> <p><u>T Dotson #671</u> <u>2-2-07</u>  <b>Union Steward/Witness &amp; Date:</b></p>
<p><u>Capt. Martin Baker</u> <u>2-2-07</u>  <b>Issuing Supervisor's Printed Name</b> <b>Date</b></p>	<p><u>Capt M. Baker</u> <u>2-2-07</u>  <b>Issuing Supervisor's Signature</b> <b>Date</b></p>

**Hearing Results**

**Results of the Board:** (If applicable)

- Sustained       Dismissed       Referred to Counseling

Reduced to: \_\_\_\_\_

**Date of Hearing:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**Board Chairman's Signature:** \_\_\_\_\_

**For Human Resources Use Only:**

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file



Louisville-Jefferson County Metro Government  
Position and Personnel Action Form



Department: Metro Corrections Add      Change     

POSITION DATA      Position Number 37000303

Effective Date	Dept	Position Code	Job Title	Grade	Step	Class	Job
Budget Account/Location	Dept	Position	Grade	Step	Class	Job	

PERSONAL DATA      Employee ID 27246

Name	Effective Date: <u>11-17-07</u>	First Name: <u>TRACY</u>	MI: <u>    </u>	Last Name: <u>DOTSON</u>
Address	Marital Status: <u>    </u> Single <u>    </u> Married	Original Hire Date: <u>    </u>		
Phone	Address I: <u>    </u>	City: <u>    </u>	County: <u>    </u>	Zip Code: <u>    </u> State: <u>    </u>
	Home Phone: <u>    </u>	Business Phone: <u>    </u>		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>    </u> M <u>    </u> F	Birthdate: <u>    </u>	Soc. Sec. <u>    </u>	Ethnic: <u>    </u>
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JOB DATA      Job Title: Correction Officer

Work Location	Effective Date: <u>11-17-07</u>	Action: <u>LOA SUS</u>	Reason: <u>PND</u>
Job Info	Job Code: <u>    </u>	Entry Date: <u>    </u>	R/T: <u>    </u> F/P: <u>    </u>
Job Labor	Standard Hours: <u>    </u>	Special Duty Elig: <u>    </u> Y <u>    </u> N	FLSA Status: <u>    </u> Exempt: <u>    </u> Nonexempt
Payroll	Union Code: <u>    </u>	Union Sen. Date: <u>    </u>	Leave Accrual Date: <u>    </u> Longevity Date: <u>    </u>
Salary Plan	Pay Group: <u>    </u>	FICA Status: <u>    </u>	Location: <u>    </u>
	Exempt: <u>    </u> Sub: <u>    </u> Med: <u>    </u>	Dept: <u>    </u>	Division: <u>    </u> Unit Activity: <u>    </u>
	Budget Account: <u>    </u>	Funds: <u>    </u>	Dept: <u>    </u> Division: <u>    </u> Unit Activity: <u>    </u> Account: <u>    </u>
	Salary Admin Plan: <u>    </u>	Grade: <u>    </u>	Grade Entry Date: <u>    </u>
	Step: <u>    </u>	Step Entry Date: <u>    </u>	Out of Step: <u>    </u> Y <u>    </u> N Time & Labor: <u>    </u> Y <u>    </u> N

Compensation

Base Rate Code: <u>    </u>	Base Comp Rate: <u>    </u>	Additional Rate Codes and Rates	
	Old <u>    </u> New <u>    </u>	Rate Code: <u>    </u>	Comp Rate: <u>    </u>
Total Hourly Comp Rate: <u>    </u>		Rate Code: <u>    </u>	Comp Rate: <u>    </u>
Annual Rate: <u>    </u>	Biweekly Rate: <u>    </u>	Rate Code: <u>    </u>	Comp Rate: <u>    </u>
\$ <u>    </u>	\$ <u>    </u>	Rate Code: <u>    </u>	Comp Rate: <u>    </u>

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	EFF Date: <u>    </u>	Marital Status: <u>    </u> S <u>    </u> M	Withholding Allow: <u>    </u>	Add'l Withholdings: \$ <u>    </u>
State Tax 1	State: <u>    </u>	Resident: <u>    </u> Y <u>    </u> N	Marital Status: <u>    </u> S <u>    </u> M	WH Allow: <u>    </u> Add'l WH: \$ <u>    </u>
Local Tax	Locality: <u>    </u>	Other Work Locality: <u>    </u>	State/Local/County/DBE: <u>    </u>	
TAX DISTRIBUTION	State: <u>    </u>	Locality: <u>    </u>	Distribution: <u>    </u>	

APPROVALS

Agency Director	Date: <u>11/8/07</u>	Budget (if applicable)	Date: <u>    </u>	Mayor's Office	Date: <u>    </u>
Director of Civil Service	Date: <u>    </u>	Director of Human Resources	Date: <u>    </u>		

Original Copy - Human Resources      Please make a copy and retain for your files.

The information following this paper  
is from previous employment.

**Rehired 1/27/03**



Position and Personnel Action Form



Department: Metro Corrections

Change X

POSITION DATA Position Number **3 7 0 0 0 3 0 3**

Effective Date:	Dept. ID:	Action Code:	Reason:		
Budget Amount:	Job Code:	R/T:	F/P:	Hours:	Class Ind: <u>U C</u>
Budget Account/Location:					
Fund:	Dept.:	Division:	Unit Activity:	Account:	

PERSONAL DATA Employee ID **2 7 2 4 6**

Name	Effective Date: <u>12/12/07</u>	First Name: <u>Tracy</u>	MI:	Last Name: <u>Dotson</u>	
Address	Marital Status: <u>Single</u>	Married	Original Hire Date:		
Phone	Address 1:	City:	County:	Zip Code:	State:
	Home Phone:	Business Phone:			

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>M</u>	<u>F</u>	Birthdate:	Soc. Sec. #:	Ethnic:
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JOB DATA Job Title: Corrections Officer

Work Location	Effective Date:	Action: <u>TER</u>	Reason: <u>DAC</u>				
Job Info	Job Code:	Entry Date:	R/T:	F/P:			
Job Labor	Standard Hours:	Special Duty Elig.: <u>Y</u>	<u>N</u>	FLSA Status: <u>Exempt</u>	<u>Nonexempt</u>		
Payroll	Union Code:	Union Sen. Date:	Leave Accrual Date:	Longevity Date:			
Salary Plan	Pay Group:	FICA Status: <u>Exempt</u>	<u>Sub.</u>	<u>Med.</u>	Location: <u>Dept:</u>	<u>Division:</u>	<u>Unit Activity:</u>
	Budget Account	Fund:	Dept:	Division:	Unit Activity:	Account:	
	Salary Admin Plan:	Grade:	Grade Entry Date:				
	Step:	Step Entry Date:	Out of Step: <u>Y</u>	<u>N</u>	Time & Labor: <u>Y</u>	<u>N</u>	

Compensation

Base Rate Code: <u>NAHRLY</u>	Base Comp Rate: <u>Old</u>	Additional Rate Codes and Pay	
	<u>New</u>	Rate Code: _____	Comp Rate: _____
Total Hourly Comp Rate: \$ _____		Rate Code: _____	Comp Rate: _____
Annual Rate \$ _____	Biweekly Rate \$ _____	Rate Code: _____	Comp Rate: _____
		Rate Code: _____	Comp Rate: _____

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>S</u>	<u>M</u>	Withholding Allow.:	Add'l Withholdings: \$		
State Tax 1	State:	Resident: <u>Y</u>	<u>N</u>	Marital Status: <u>S</u>	<u>M</u>	WH Allow:	Add'l WH: \$
Local Tax	Locality:	Other Work Locality:		Branch (for Library Use):			

TAX DISTRIBUTION

Effective Date: <u>Same As Tax Data</u>	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

<u>[Signature]</u>	<u>12-13-07</u>	Budget (if applicable)	Date	Mayor's Office	Date
Agency Director	Date	Director of Civil Service	Date	Director of Human Resources	Date

TO HR  
12/14/07

File

### Louisville Metropolitan Department of Corrections Disciplinary Action Notice (DAN)

\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.

Employee Name and Title: <i>OFC. TRACY DOTSON</i>	Date: <i>WED, 2-21-2007</i>	Area Assigned: Shift: <span style="background-color: black; color: black;">[REDACTED]</span>
Union type: <i>FOP Line Staff</i>	Category of Violation: <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	Section Assigned: <span style="background-color: black; color: black;">[REDACTED]</span>

You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 1.17 EMPLOYEE CODE OF CONDUCT	SEC.2 (A) CONDUCT UNBECOMING
2. 1.17 EMPLOYEE CODE OF CONDUCT	SEC 4 (A) BEHAVIOR-EMPLOYEES SHALL DEAL WITH CO-WORKERS,PUBLIC,INMATES IN RESPECTFUL/COURTEOUS MANNER
3.	

A brief description of the violation(s):  
 ON TUESDAY, 2-20-2007/0500HRS I WAS ADVISED BY SERGEANT ROBERT GRIFFIN THAT YOU AND OFFICER RAMONDA COVINGTON HAD A VERBAL CONFRONTATION ON THE [REDACTED] THE DISAGREEMENT STEMMED FROM COMMENT YOU MADE BY USING THE PHRASE "WESTEND CHICK". YOU ADMITTED TO MYSELF AND LIEUTENANT DONALD BETHAL THAT YOU HAD USED THE PHASE "ANOTHER WESTEND" CHIC THAT WAS DISRUPTIVE IN THE [REDACTED] WITH HER ARRESTING (LMPD) OFFICER. THAT OFFICER INFORMED YOU THAT THIS INMATE WAS GOING TO BE TROUBLE. OFC. COVINGTON OVERHEARD THE REMARK AND WAS OFFENDED BY IT, FEELING THAT YOU WERE GENERALIZING AN ENTIRE GROUP OF RESIDENTS FROM THAT PART OF TOWN. OFC. COVINGTON ADVISED THAT SHE IS FROM THAT PART OF TOWN. THE PROBLEM WE HAVE HERE IS THAT YOURSELF AND OFC. COVINGTON ARE PROFESSIONAL LAW ENFORCEMENT OFFICERS BOTH BEHAVING IN A MANNER THAT IS UNACCEPTABLE. THIS IS NOT TO MENTION THAT WE HAVE OUTSIDE AGENCIES OBSERVING OUR OPERATIONS, AND A NEW (RECRUIT) OFFICER TIFFANY WELCH WHOM WAS IN TRAINING ON (J1) AT THAT TIME AND OBSERVED THE INCIDENT. THIS SETS A TERRIBLE EXAMPLE FOR OUR NEW STAFF. THIS NOTICE IS TO INFORM YOU THAT IN THE FUTURE TO KEEP YOUR OPINIONS, COMMENTS TO YOURSELF CONCERNING FRESH ARREST (OR ANY) INMATES FOR THAT MATTER. THIS DEPARTMENT WILL NOT TOLERATE ANY VERBAL CONFRONTATIONS THAT COULD HAVE THE POTENTIAL TO ESCALATE INTO SOMETHING PHYSICAL.

Preparer's Name: LIEUTENANT RICK WILLIAMS/217

Continuation of violation description:

That's 3 write-ups in 1 month.  
22222

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing)
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Hearing Requested:  Yes  No  
(Teamster & AFSME only non-union refer to personnel policy 15.1)

T. Dotson #671 3-11-07  
Employee Signature & Date:

Union Steward/Witness & Date:

Lt. Rick Williams 3-11-07  
Issuing Supervisor's Printed Name Date

- Lt. Rick Williams 3-11-07  
Issuing Supervisor's Signature Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling

Reduced to: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

Board Chairman's Signature: \_\_\_\_\_

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file



LOUISVILLE METRO DEPARTMENT OF CORRECTIONS  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

DWAYNE A. CLARK,

July 26, 2021

To: Daniel Johnson, FOP Lodge #77 President

**Response to Step 2 Grievance on behalf of Tracy Dotson GRV05262021**

I agree to remove the April 21, 2021 DAN from Officer Dotson's personnel file and substitute it with the attached DAN for violation of the Code of Ethics and Conduct for According to Policy 01-3.02 **Employee Code of Ethics and Conduct** for discourteous conduct as outlined below.

**A. Code of Ethics**

5. Behavior

- a. Personnel shall conduct themselves with co-workers, the public and inmates in a respectful and courteous manner.
- b. Relationships with colleagues shall be of such character as to promote mutual respect with the profession and in public and shall adhere to all applicable Departmental regulations.

**B. Code of Conduct**

All personnel shall maintain exemplary personal integrity and ethical conduct in their relationships with other employees, inmates, and the general public.

2. Conduct Unbecoming

- a. Employees shall not commit any act that constitutes Conduct Unbecoming of a Departmental employee

The suspension associated with the previously filed April 21, 2021 DAN is voided and any payroll deduction associated with the DAN is to be reimbursed. Other than writing the



DAN, the parties waive the formalities of restarting a disciplinary process and any associated steps relating to this agreed substitute DAN.

When a superior in the chain of command asked a subordinate a legitimate direct question, that supervisor deserves a direct and courteous answer. That did not happen in this case. Officer Dotson acknowledged that he could have been more courteous and respectful, and he has agreed to a written reprimand. This response serves as the reprimand.

  
Dwayne A. Clark, Director

CC: Daniel Johnson, Union Representative David D. Fuller, Union Counsel Mary W. Sharp, Union Counsel	Martin Baker, Deputy Director Jerry Collins, Major Mike Ashby, Major Adrienne Henderson, Metro HR LMDC HR
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## Louisville Metro Department of Corrections Disciplinary Action Notice (DAN)

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <p style="text-align: center;">Officer Tracy Dotson</p>	<b>Date:</b> <p style="text-align: center;">4/21/2021</p>	<b>Location Assigned:</b> Shift: <span style="background-color: black; color: black;">          </span> Off Days: <span style="background-color: black; color: black;">          </span>
<b>Union Affiliation:</b> <p style="text-align: center;">FOP</p>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Unit Assigned:</b> _____

**You are being provided this notice of violation of the following departmental and/or Metro policy and procedure(s):**

Policy Number, Title, Section, Subsection	Subsection or Section Title (If applicable)
1. 01-3.02, Employee Code of Ethics and Conduct, VI, A, 5, a, b	Behavior
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 2, a	Conduct Unbecoming
3.	_____
_____	_____

**Violation Date(s): Please list each date per occurrence.**

4/21/2021

**A brief description of the violation(s): Please state facts only.**

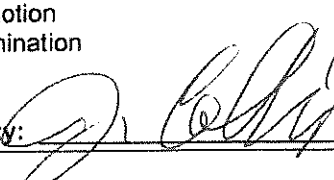
On the above date Officer Tracy Dotson was assigned to assist with an inmate vaccination detail at the main jail complex. I noticed that Officer Dotson had a cell phone in a side pocket of his pants. I asked Officer Dotson if he was authorized to have the cell phone in the security area. Officer Dotson told me that I should know. I informed him that I did not know and asked him again if it was authorized. Officer Dotson told me that I should go find out. I then instructed him to go see Deputy Director Baker about the cell phone. He told me that he was not going to do that. Officer Dotson was instructed to exit the area and that he was not needed for the detail.

Preparer's Name: Captain Darrell Goodlett

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a Meeting)
- Written (Not entitled to a Meeting)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Authority: 

Date: 2 July 21

Meeting Requested:  Yes  No

Employee Signature & Date: \_\_\_\_\_

Union Steward/Witness & Date: \_\_\_\_\_

Issuing Supervisor's Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Issuing Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

**If you are experiencing a personal problem affecting your professional conduct, you are urged to contact Metro's Employee Assistance Program (EAP) provider to receive expert, confidential counseling to assist in resolving any potential needs at (800) 779-9327 or online at [www.stueckerandassoc.com/lmg](http://www.stueckerandassoc.com/lmg).**

**Meeting Results**

**Results of the Meeting:** (If applicable)

Sustained       Dismissed       Referred to Counseling

Reduced to: \_\_\_\_\_

**Date of Review:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**Director/Designee Signature:** \_\_\_\_\_

**For Human Resources Use Only:**

- Meeting results submitted to LMDC HR. Date: \_\_\_\_\_
- Metro HR consulted on Meeting results and/or EAP referral. Date: \_\_\_\_\_
- Meeting results sent to supervisor. Date: \_\_\_\_\_
- Discipline scheduled by supervisor or processed. Date: \_\_\_\_\_
- Data entered into PeopleSoft. Date: \_\_\_\_\_
- Copy of final disposition to employee disciplinary file. Date: \_\_\_\_\_

05/20/21 → ORIG to HR/Payroll  
→ Dist List Completed  
→ Deleted DAN + GRV041519 SS

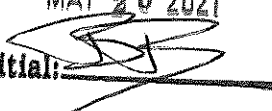
**Spencer, Anita M**

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**From:** Spencer, Anita M  
**Sent:** Thursday, May 20, 2021 11:17 AM  
**To:** Johnson, Daniel P; DAVID FULLER  
**Cc:** Durham, Steve P; Baker, Martin L; Collins, Jerry; Ashby, William M; Henderson, Adrienne B; Bland-Tunstull, Wanice N  
**Subject:** Step 2 - Dir Response - GRV of FOP Lodge 77 & Ofc. Tracy Dotson GRV032421  
**Attachments:** Step 2 Dir Response FOP GRV obo Tracy Dotson GRV032421 051921.pdf

To/CC: Distribution List  
See Attached response from Director Clark's Step 2 GRV Mtg with FOP on 04/20/21

Anita

**ENTERED**  
MAY 20 2021  
Initial: 



LOUISVILLE METRO DEPARTMENT OF CORRECTIONS  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR  
May 19, 2021

DWAYNE A. CLARK, DIRECTOR

**To: Daniel Johnson, FOP Lodge #77 President**

**Response to Step 2 FOP Grievance on behalf of Officer Tracy Dotson GRV032421 regarding Officer Dotson's desire for taxpayers to fund his work out in the LMPD training facility**

**Grievance Response:**

This grievance was filed on behalf of one of six personnel assigned to the Training Division: Tracy Dotson. The grievant is upset because LMDC administration informed him that he "cannot work out on the clock" at the Police Gym that is located in the same building as the Metro Corrections Training Division.

Many jobs have minimum physical ability qualifications. All Corrections Officers must be physically fit to render aid to other officers in emergency situations, restrain and subdue inmates.<sup>1</sup> Fitness is a personal responsibility. No one is paid to work out on the clock.

In fact, in 2018, Metro Corrections Sergeant Peter Allen received a Disciplinary Action Notice and was subsequently suspended for working out on the clock at the Police Gym. The Union did not appeal that determination. Inexplicably, the Union now says the Collective Bargaining Agreement is violated because a current member of the training staff cannot be paid to lift weights.

The grievance outlined the minimum qualifications to become a Training Officer. The Grievant met those requirements without working out on the clock, just like everyone else in the training division who fell under the 2018 physical agility qualification criteria. Just to emphasize that, I repeat: the training officers met the physical agility criteria before they had daily access to the Police Gym.

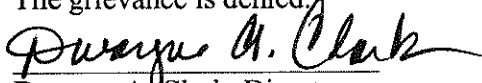
The grievance statement alluded to the need for training officers to requalify on physical agility every three (3) years as a reason why he should be paid daily to work out. As mentioned about, the grievant has already demonstrated that he can be fit for the test without being paid to work out. Further, I do not support the physical agility test for this position and will not enforce that provision.

Also, we received notice from John Harrison, the Manager of the Central Regional Training Center for the State Department of Corrections that there is currently no "system in place for compensation to any staff working out in the gym" and there never has been.

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<sup>1</sup> <https://jobdesc.metronet.gov/JobDescription.aspx?jobcode=083150>

The grievance is denied.



Dwayne A. Clark, Director

CC: Daniel Johnson, Union Representative David D. Fuller, Union Counsel	Martin Baker, Deputy Director Jerry Collins, Major Mike Ashby, Major Adrienne Henderson, Metro HR LMDC HR
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METRO CORRECTIONS  
DIRECTOR'S OFFICE

MAR 24 2021



**FRATERNAL ORDER OF POLICE  
GRIEVANCE**

RECEIVED BY: AMS

Louisville Corrections Lodge No. 77

PLEASE PRINT OR TYPE

NAME OF GRIEVANT <i>Tracy Dotson</i>	DATE <i>3-23-21</i>
GRIEVANT'S CURRENT ASSIGNMENT <i>Training</i>	DATE OF ALLEGED VIOLATION <i>ongoing</i>
NAME OF FOP REPRESENTATIVE <i>Daniel Johnson</i>	
REPRESENTATIVE'S CURRENT ASSIGNMENT (AND/OR CONTACT INFO) <i>FOP President</i>	
ARTICLE(S) AND SECTION(S) NUMBER(S) OF CONTRACT VIOLATION <i>Article 3, Article 11 sect 2 E.ii, Article 13 sect 1</i>	
STATEMENT OF GRIEVANCE (GIVE TIMES, DATES, WHO, WHAT, WHEN, WHERE, WHY, HOW): <i>* attached</i>	
REMEDY REQUESTED <i>* attached</i>	
REPRESENTATIVES SIGNATURE <i>[Signature]</i>	DATE <i>3-23-21</i>
GRIEVANT'S SIGNATURE <i>[Signature]</i>	DATE <i>3-23-21</i>

T, 4/20/21 @ 1:30p



THE ORIGINAL OF THIS FORM MUST BE SUBMITTED AT EVERY STEP. ONCE A DECISION HAS BEEN MADE, THE ORIGINAL MUST BE RETURNED TO THE FOP REPRESENTATIVE ALONG WITH ANY WRITTEN RESPONSE TO THE GRIEVANCE. IF THERE IS NO RESPONSE OR IF THE ORIGINAL IS NOT RETURNED TO THE FOP TIMELY, THE FOP MAY ADVANCE A COPY OF THIS FORM TO THE NEXT STEP.

STEP ONE			
IMMEDIATE SUPERVISOR / SUPERVISOR OUT OF BARGAINING UNIT			
IDENTIFY MANAGEMENT OFFICIAL RECEIVING GRIEVANCE (NAME & RANK)			
Major Jerry Collins			
DATE DELIVERED	SIGNATURE OF MANAGEMENT OFFICIAL	DATE OF MEETING (IF APPLICABLE)	DATE OF MANAGEMENT REPLY
30 Mar 21	<i>[Signature]</i>		
REQUESTED REMEDY GRANTED? (YES/NO) ATTACH RESPONSE		GRIEVANCE RESOLVED? (YES/NO) <del>FOP</del>	
		<i>[Signature]</i> 4-2-21	

STEP TWO	
DIRECTOR	
DATE DELIVERED	DIRECTOR'S SIGNATURE
DATE OF MEETING (IF APPLICABLE)	DATE OF RESPONSE (ATTACH RESPONSE)
REQUESTED REMEDY GRANTED (YES/NO)	GRIEVANCE RESOLVED? (YES/NO) <del>FOP</del>

STEP THREE	
MAYOR/DESIGNEE	
DATE DELIVERED	MAYOR/DESIGNEE'S SIGNATURE
DATE OF MEETING (IF APPLICABLE)	DATE OF RESPONSE (ATTACH RESPONSE)
REQUESTED REMEDY GRANTED (YES/NO)	GRIEVANCE RESOLVED? (YES/NO) <del>FOP</del>

STEP FOUR	
NOTICE OF INTENT FOR MEDIATION OR ADVISORY ARBITRATION	
IDENTIFY MANAGEMENT OFFICIAL RECEIVING GRIEVANCE (NAME & RANK)	
DATE DELIVERED	SIGNATURE OF MANAGEMENT OFFICIAL

**Grievance Tracking**

	<b>From Date</b>	<b>To Date</b>
<b>Step One</b>		
<b>Step Two (Director)</b>		
<b>Step Three (Mayor / Designee)</b>		
<b>Step Four (Mediation / Arbitration)</b>		

<b>DISPOSITION DATE</b>		
<b>FINAL DISPOSITION OF GRIEVANCE</b>		
<b>NOTIFICATION DATE</b>	<b>GRIEVANT NOTIFIED BY</b>	<b>METHOD OF NOTIFICATION</b>

LMDC administration has told me that I cannot work out "on the clock" and that building and maintaining my fitness level as a Training Officer was my own responsibility. The job requirements for my primary job assignment of Training Officer include the passing of a physical test which includes measurements for strength and endurance that must be passed within a strict time limit. I must also maintain the level of fitness originally required to pass this test as I must pass it on a continual basis in order to hold my job bid at the Training Academy. The stated requirement of this is attached. Article 11, sect 1 E. ii of the Ofc/Sgt CBA states that minimum job requirements, once established, are essential.

Article 3 of the Ofc/Sgt CBA states the Director of Corrections may only promulgate and adopt REASONABLE rules and regulations not contradictory to the CBA. The duties of Training Officer include leading/supervising recruits in physical fitness exercises, instructing and participating in self-defense and defensive tactics training, instructing and participating in physically demanding scenario based training such as GST and Redman with both recruit classes and in-service Officers multiple times a year. It is unreasonable for the Director to order a Training Officer responsible for these duties to maintain his fitness "on his own time" when the essential duties of the position require such a heavy physical demand on the human body.

Article 13, sect 1 of the Ofc/Sgt CBA states the Department SHALL take reasonable precautions to safeguard the health and safety of the members DURING THEIR HOURS OF WORK. The KY Dept of Criminal Justice Training Center is the leading authority in KY when it comes to law enforcement training issues and they mandate their Training Officers "maintain physical fitness levels using the agency's exercise facilities in order to lower attendance related illnesses, lower health care related costs, and assist with training class and scenario based training" in their policy numbered 2018-004. It is basic common sense that Training Officers, in any academy environment, whose job duties entail the physical training of other people must maintain a high level of physical fitness to adequately comply with training requirements, competently train and instruct physical activities, and help reduce injuries to themselves.

The Department's order that I maintain my physical fitness level "on my own time" violates Article 3, Article 11, sect 1 E. ii, and Article 13 sect 1 of the Ofc/Sgt CBA.

Remedy Requested: Any member bided to the Training Division be allotted up to one hour per workday to engage in maintaining their physical fitness in a regimen to be determined by that member. I am also requesting back pay for all time I've spent on my own to comply with my job requirements to maintain my fitness level and help protect my health and safety since the original order I received to cease.

TDC #401  
3-23-21  
D. J. [Signature]  
3-23-21

Chief of Staff Clark and Major Eggers are currently accepting letters of interest from those officers interested in the position of Training Officer. All interested officers should reply directly to Lt. Norris with their DOE, current assignment and current off days. All letters must be received via email by 1700 hours on July 12, 2018.

**Minimum Requirements:**

- **Must hold current firearms qualification with the department**
- **Must pass shotgun qualification within three (3) attempts. (Classroom shotgun course will be given at the request of the employee prior to qualification attempt)**
- **Minimum of three (3) years with the department.**
- **An applicant must be free of discipline for a policy violation for a period of twelve (12) calendar months before bidding for the position.**
- **Networking and participation in multi-agency initiatives is required.**
- **Interview will be conducted with oral skills presentation evaluated. (PowerPoint)**
- **Must be willing to work variable shifts.**
- **Must complete and pass a physical agility test;**

**500 meter row (Concept 2 row machine on level 10)**

**5 tractor tire flips (150 lb. tire)**

**Drag or Carry Red Rescue Dummy (40 ft)**

**All events must be completed in order in less than 3 minutes, 30 seconds.**

**This test will be administered every 3 years for recertification.**

When responding to this email, go to the top of the page, click on the reply button, then send the required bid information.


**The number of vacancies for this position has not been determined. If you are interested in this position, please bid.**

**If you are applying for multiple bids, please indicate your first, second, third choice.**

**In the event of staffing shortage, annual vacation is subject to being adjusted for employees who have transferred.**



**Department of Criminal Justice Training  
Policy and Procedure**

Title: <b>Professional Development Program</b>		Number: <b>2018-004</b>
In compliance with <u>CALEA Standards: 4.2.8</u> In compliance with <u>IACET Standards: 3.3</u>		
Original Issue Date: <b>09/26/2018</b>	Review Month: <b>November</b>	 Nicolai R. Jilek, Commissioner

**I. Purpose**

The purpose of this policy is to outline the procedures and guidelines for professional development of all staff at the Department of Criminal Justice Training.

**II. Policy**

It is the policy of the Department of Criminal Justice Training to support the continuous improvement, development and personal wellness of its most valuable resource – its employees, in regards to job-related professional development activities.

**III. Definitions and Reference**

**Professional Development:** The ongoing process of improving skills, qualifications and wellbeing of employees within DOCJT through an all-inclusive approach of providing educational, training and self-improvement opportunities.

**Educational Development:** A course or program offered by an accredited school, college or university via web based instructional methods as approved by supervisor in compliance with DOCJT Policy 1998-010, Employee Training.

**Training Development:** A class offered by a recognized training vendor, which provides updated information about work related knowledge and skills whether by means of traditional classroom instruction, seminars or webinars.

**Personal Development:** Multifaceted options that assist employees to meet state evaluation standards for "Self-Management" criteria and to promote physical and mental wellbeing.

**Reference:** The following DOCJT policies focus on employees' professional development:

1996-001 – Promotions

Title: <b>Professional Development Program</b>	Number: <b>2018-004</b>
---	----------------------------

1998-001 – Instructor Career Path

1998-010 – Employee Training

2018-001 – Employee Education

#### **IV. Procedure**

##### **A. Employee Orientation**

1. All new employees of the Department of Criminal Justice Training shall be provided information regarding the agency's voluntary professional development program during employee orientation. This shall be a brief overview of the program as to its purpose, applicable policies and procedures.

##### **B. Educational Development**

1. All employees of the agency may work on assignments for approved continuing educational opportunities that enhance identified current or future work related knowledge and skill sets.
2. Employees may participate in online educational opportunities as outlined within this policy.
3. Employees seeking educational assistance shall follow procedures outlined in DOCJT Policy 2018-001, Employee Education.

##### **C. Training Development**

1. All personnel shall meet the minimum training requirements established for their specific job classification in accordance with DOCJT Policy 1998-010, Employee Training.
2. Employees are encouraged to further their professional development by taking advantage of additional training opportunities as available and within fiscal responsibilities of the agency.
3. Online webinars related to current and future work related knowledge and skills as outlined within this policy.

Title: <b>Professional Development Program</b>	Number: <b>2018-004</b>
---	----------------------------

#### D. Personal Development

1. Employees are required to be evaluated on "Self-Management" under the Kentucky Performance Evaluation in the areas of Attendance, Punctuality, Dependability/Responsibility and Career Development.
2. As required by evaluation standards, employees may participate in approved self-management activities.
3. Employees are encouraged to participate in self-improvement programs in "Self Leadership" offered by the Kentucky Office of Diversity, Equality & Training.  
<https://personnel.ky.gov/pages/self.aspx>
4. Other personal development activities are authorized within the procedures outlined in this policy as long as they are directly related to agency needs and job requirements. These activities include but are not limited to the following:
  - a) Maintaining physical fitness levels using the agency's exercise facilities (DOCJT Policy 2007-001, Exercise Facilities) in order to lower attendance related illnesses, lower health care related costs and assist with training class and scenario based trainings (DOCJT Policy 2002-013, Scenario-Based Training).
  - b) Going on "Ride Alongs" (DOCJT Policy 1998-004, Attendance at Outside Events) with Kentucky law enforcement agencies to keep up with current issues and trends.
  - c) Attending Kentucky Employee Assistance Program (KEAP) appointments and services to address personal issues that affect the workplace.

#### E. Participation and Approval

1. Any employee seeking to participate in an approved professional development program shall adhere to the approval process identified within established policy and state regulations.
2. If an activity is not specifically identified within policy or state administrative regulations, the employee shall gain the approval of their supervisor prior to starting and/or activity continuation.

<b>Title:</b> <b>Professional Development Program</b>	<b>Number:</b> <b>2018-004</b>
--	-----------------------------------

3. A supervisor may revoke specific professional development activities if the program interferes with work responsibilities or is found that an employee has violated agreed upon terms of involvement.
4. Employees shall consult with their supervisor to determine appropriate participation times to insure work is not interrupted.
5. Employees participating in an approved activity may use DOCJT owned equipment and/or facilities to complete the approved activity.
6. Each employee participating in an approved activity shall be permitted one hour, three days, per week during the normal workday, Monday through Friday, with the exception of part-time personnel and interns.
7. The professional development program for employees is limited to the employee's authorized work campus. No professional development activities may be authorized for any location, facility or equipment not currently leased or owned by the Department of Criminal Justice Training.

#### **F. Responsibility**

1. It shall be the responsibility of each section supervisor to document, as they deem necessary, a record of participation and compliance with this policy for employees under their supervision.
2. Employees are responsible for completing all documents (e.g., forms, registrations, waivers, etc.) necessary to complete an approved activity.
3. While participating in any approved activity, employees must be readily accessible and available for recall to duty.
4. Participation in this program may be documented on each employee's state evaluation.





**Spencer, Anita M**

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**From:** Spencer, Anita M  
**Sent:** Tuesday, March 30, 2021 2:03 PM  
**To:** Johnson, Daniel P; Ledrick, Rodger; Tassin, Donald J; Mulder, Johnathan P.; Garrett, Josh  
**Subject:** Grievance Answered - 031721, 032421, 032421

Please stop by my desk to pick up the answer to your above referenced grievance.  
You will need to sign and date the form(s) when you pick it/them up.

Thank you,

Anita

JMM Signed  
Y - 2 Yes - RES  
N - 11 - No Not Res -> Move to Step 2

COPY

METRO CORRECTIONS  
DIRECTOR'S OFFICE

MAR 24 2021



**FRATERNAL ORDER OF POLICE  
GRIEVANCE**

RECEIVED BY AMS

Louisville Corrections Lodge No. 77

PLEASE PRINT OR TYPE

NAME OF GRIEVANT <i>Tracy Dotson</i>	DATE <i>3-23-21</i>
GRIEVANT'S CURRENT ASSIGNMENT <i>Training</i>	DATE OF ALLEGED VIOLATION <i>Ongoing</i>
NAME OF FOP REPRESENTATIVE <i>Daniel Johnson</i>	
REPRESENTATIVE'S CURRENT ASSIGNMENT (AND/OR CONTACT INFO) <i>FOP President</i>	
ARTICLE(S) AND SECTION(S) NUMBER(S) OF CONTRACT VIOLATION <i>Article 3, Article 11 sect 4 E, ii, Article 13 sect 1</i>	
STATEMENT OF GRIEVANCE (GIVE TIMES, DATES, WHO, WHAT, WHEN, WHERE, WHY, HOW): <i>Attached</i>	
REMEDY REQUESTED <i>Attached</i>	
REPRESENTATIVE'S SIGNATURE <i>[Signature]</i>	DATE <i>3-23-21</i>
GRIEVANT'S SIGNATURE <i>[Signature]</i>	DATE <i>3-23-21</i>

**Grievance Tracking**

	From Date	To Date
Step One		
Step Two (Director)		
Step Three (Mayor / Designee)		
Step Four (Mediation / Arbitration)		

DISPOSITION DATE		
FINAL DISPOSITION OF GRIEVANCE		
NOTIFICATION DATE	GRIEVANT NOTIFIED BY	METHOD OF NOTIFICATION

THE ORIGINAL OF THIS FORM MUST BE SUBMITTED AT EVERY STEP. ONCE A DECISION HAS BEEN MADE, THE ORIGINAL MUST BE RETURNED TO THE FOP REPRESENTATIVE ALONG WITH ANY WRITTEN RESPONSE TO THE GRIEVANCE. IF THERE IS NO RESPONSE OR IF THE ORIGINAL IS NOT RETURNED TO THE FOP TIMELY, THE FOP MAY ADVANCE A COPY OF THIS FORM TO THE NEXT STEP.

STEP ONE IMMEDIATE SUPERVISOR / SUPERVISOR OUT OF BARGAINING UNIT			
IDENTIFY MANAGEMENT OFFICIAL RECEIVING GRIEVANCE (NAME & RANK) <i>Major Jerry Collins</i>			
DATE DELIVERED <i>30 Mar 21</i>	SIGNATURE OF MANAGEMENT OFFICIAL <i>Jerry Collins</i>	DATE OF MEETING (IF APPLICABLE)	DATE OF MANAGEMENT REPLY
REQUESTED REMEDY GRANTED? (YES/NO) <i>NO</i> ATTACH RESPONSE		GRIEVANCE RESOLVED? (YES/NO) <i>NO</i> <i>4-2-21</i>	

STEP TWO DIRECTOR	
DATE DELIVERED	DIRECTOR'S SIGNATURE
DATE OF MEETING (IF APPLICABLE)	DATE OF RESPONSE (ATTACH RESPONSE)
REQUESTED REMEDY GRANTED (YES/NO)	GRIEVANCE RESOLVED? (YES/NO) <i>NO</i>

STEP THREE MAYOR/DESIGNEE	
DATE DELIVERED	MAYOR/DESIGNEE'S SIGNATURE
DATE OF MEETING (IF APPLICABLE)	DATE OF RESPONSE (ATTACH RESPONSE)
REQUESTED REMEDY GRANTED (YES/NO)	GRIEVANCE RESOLVED? (YES/NO) <i>NO</i>

STEP FOUR NOTICE OF INTENT FOR MEDIATION OR ADVISORY ARBITRATION	
IDENTIFY MANAGEMENT OFFICIAL RECEIVING GRIEVANCE (NAME & RANK)	
DATE DELIVERED	SIGNATURE OF MANAGEMENT OFFICIAL

LMDC administration has told me that I cannot work out "on the clock" and that building and maintaining my fitness level as a Training Officer was my own responsibility. The job requirements for my primary job assignment of Training Officer include the passing of a physical test which includes measurements for strength and endurance that must be passed within a strict time limit. I must also maintain the level of fitness originally required to pass this test as I must pass it on a continual basis in order to hold my job bid at the Training Academy. The stated requirement of this is attached. Article 11, sect 1 E. ii of the Ofc/Sgt CBA states that minimum job requirements, once established, are essential.

Article 3 of the Ofc/Sgt CBA states the Director of Corrections may only promulgate and adopt REASONABLE rules and regulations not contradictory to the CBA. The duties of Training Officer include leading/supervising recruits in physical fitness exercises, instructing and participating in self-defense and defensive tactics training, instructing and participating in physically demanding scenario based training such as GST and Redman with both recruit classes and in-service Officers multiple times a year. It is unreasonable for the Director to order a Training Officer responsible for these duties to maintain his fitness "on his own time" when the essential duties of the position require such a heavy physical demand on the human body.

Article 13, sect 1 of the Ofc/Sgt CBA states the Department SHALL take reasonable precautions to safeguard the health and safety of the members DURING THEIR HOURS OF WORK. The KY Dept of Criminal Justice Training Center is the leading authority in KY when it comes to law enforcement training issues and they mandate their Training Officers "maintain physical fitness levels using the agency's exercise facilities in order to lower attendance related illnesses, lower health care related costs, and assist with training class and scenario based training" in their policy numbered 2018-004. It is basic common sense that Training Officers, in any academy environment, whose job duties entail the physical training of other people must maintain a high level of physical fitness to adequately comply with training requirements, competently train and instruct physical activities, and help reduce injuries to themselves.

The Department's order that I maintain my physical fitness level "on my own time" violates Article 3, Article 11, sect 1 E. ii, and Article 13 sect 1 of the Ofc/Sgt CBA.

Remedy Requested: Any member bided to the Training Division be allotted up to one hour per workday to engage in maintaining their physical fitness in a regimen to be determined by that member. I am also requesting back pay for all time I've spent on my own to comply with my job requirements to maintain my fitness level and help protect my health and safety since the original order I received to cease.

TTC #401  
3-23-21  
D. O. J.  
3-23-21

Chief of Staff Clark and Major Eggers are currently accepting letters of interest from those officers interested in the position of Training Officer. All interested officers should reply directly to Lt. Norris with their DOE, current assignment and current off days. All letters must be received via email by 1700 hours on July 12, 2018.

**Minimum Requirements:**

- Must hold current firearms qualification with the department
- Must pass shotgun qualification within three (3) attempts. (Classroom shotgun course will be given at the request of the employee prior to qualification attempt)
- Minimum of three (3) years with the department.
- An applicant must be free of discipline for a policy violation for a period of twelve (12) calendar months before bidding for the position.
- Networking and participation in multi-agency initiatives is required.
- Interview will be conducted with oral skills presentation evaluated. (PowerPoint)
- Must be willing to work variable shifts.
- Must complete and pass a physical agility test;

500 meter row (Concept 2 row machine on level 10)  
5 tractor tire flips (150 lb. tire)  
Drag or Carry Red Rescue Dummy (40 ft)

All events must be completed in order in less than 3 minutes, 30 seconds.  
This test will be administered every 3 years for recertification.

When responding to this email, go to the top of the page, click on the reply button, then send the required bid information.


**The number of vacancies for this position has not been determined. If you are interested in this position, please bid.**

**If you are applying for multiple bids, please indicate your first, second, third choice.**

**In the event of staffing shortage, annual vacation is subject to being adjusted for employees who have transferred.**



**Department of Criminal Justice Training  
Policy and Procedure**

Title: <b>Professional Development Program</b>		Number: <b>2018-004</b>
<i>In compliance with CALEA Standards: 4.2.8 In compliance with IACET Standards: 3.3</i>		
Original Issue Date: <b>09/26/2018</b>	Review Month: <b>November</b>	 <b>Nicolai R. Jilek, Commissioner</b>

**I. Purpose**

The purpose of this policy is to outline the procedures and guidelines for professional development of all staff at the Department of Criminal Justice Training.

**II. Policy**

It is the policy of the Department of Criminal Justice Training to support the continuous improvement, development and personal wellness of its most valuable resource – its employees, in regards to job-related professional development activities.

**III. Definitions and Reference**

**Professional Development:** The ongoing process of improving skills, qualifications and wellbeing of employees within DOCJT through an all-inclusive approach of providing educational, training and self-improvement opportunities.

**Educational Development:** A course or program offered by an accredited school, college or university via web based instructional methods as approved by supervisor in compliance with DOCJT Policy 1998-010, Employee Training.

**Training Development:** A class offered by a recognized training vendor, which provides updated information about work related knowledge and skills whether by means of traditional classroom instruction, seminars or webinars.

**Personal Development:** Multifaceted options that assist employees to meet state evaluation standards for "Self-Management" criteria and to promote physical and mental wellbeing.

**Reference:** The following DOCJT policies focus on employees' professional development:

1996-001 – Promotions

Title: <b>Professional Development Program</b>	Number: <b>2018-004</b>
---	----------------------------

1998-001 – Instructor Career Path

1998-010 – Employee Training

2018-001 – Employee Education

#### **IV. Procedure**

##### **A. Employee Orientation**

1. All new employees of the Department of Criminal Justice Training shall be provided information regarding the agency's voluntary professional development program during employee orientation. This shall be a brief overview of the program as to its purpose, applicable policies and procedures.

##### **B. Educational Development**

1. All employees of the agency may work on assignments for approved continuing educational opportunities that enhance identified current or future work related knowledge and skill sets.
2. Employees may participate in online educational opportunities as outlined within this policy.
3. Employees seeking educational assistance shall follow procedures outlined in DOCJT Policy 2018-001, Employee Education.

##### **C. Training Development**

1. All personnel shall meet the minimum training requirements established for their specific job classification in accordance with DOCJT Policy 1998-010, Employee Training.
2. Employees are encouraged to further their professional development by taking advantage of additional training opportunities as available and within fiscal responsibilities of the agency.
3. Online webinars related to current and future work related knowledge and skills as outlined within this policy.



Title: <b>Professional Development Program</b>	Number: <b>2018-004</b>
---	----------------------------

#### D. Personal Development

1. Employees are required to be evaluated on "Self-Management" under the Kentucky Performance Evaluation in the areas of Attendance, Punctuality, Dependability/Responsibility and Career Development.
2. As required by evaluation standards, employees may participate in approved self-management activities.
3. Employees are encouraged to participate in self-improvement programs in "Self Leadership" offered by the Kentucky Office of Diversity, Equality & Training.  
<https://personnel.ky.gov/pages/self.aspx>
4. Other personal development activities are authorized within the procedures outlined in this policy as long as they are directly related to agency needs and job requirements. These activities include but are not limited to the following:
  - a) Maintaining physical fitness levels using the agency's exercise facilities (DOCJT Policy 2007-001, Exercise Facilities) in order to lower attendance related illnesses, lower health care related costs and assist with training class and scenario based trainings (DOCJT Policy 2002-013, Scenario-Based Training).
  - b) Going on "Ride Alongs" (DOCJT Policy 1998-004, Attendance at Outside Events) with Kentucky law enforcement agencies to keep up with current issues and trends.
  - c) Attending Kentucky Employee Assistance Program (KEAP) appointments and services to address personal issues that affect the workplace.

#### E. Participation and Approval

1. Any employee seeking to participate in an approved professional development program shall adhere to the approval process identified within established policy and state regulations.
2. If an activity is not specifically identified within policy or state administrative regulations, the employee shall gain the approval of their supervisor prior to starting and/or activity continuation.

Title: <b>Professional Development Program</b>	Number: <b>2018-004</b>
---	----------------------------

3. A supervisor may revoke specific professional development activities if the program interferes with work responsibilities or is found that an employee has violated agreed upon terms of involvement.
4. Employees shall consult with their supervisor to determine appropriate participation times to insure work is not interrupted.
5. Employees participating in an approved activity may use DOCJT owned equipment and/or facilities to complete the approved activity.
6. Each employee participating in an approved activity shall be permitted one hour, three days, per week during the normal workday, Monday through Friday, with the exception of part-time personnel and interns.
7. The professional development program for employees is limited to the employee's authorized work campus. No professional development activities may be authorized for any location, facility or equipment not currently leased or owned by the Department of Criminal Justice Training.

#### F. Responsibility

1. It shall be the responsibility of each section supervisor to document, as they deem necessary, a record of participation and compliance with this policy for employees under their supervision.
2. Employees are responsible for completing all documents (e.g., forms, registrations, waivers, etc.) necessary to complete an approved activity.
3. While participating in any approved activity, employees must be readily accessible and available for recall to duty.
4. Participation in this program may be documented on each employee's state evaluation.

26 75

FRATERNAL ORDER OF POLICE  
Louisville Metro Department of Corrections Lodge 77

GRIEVANCE/COMPLAINT  
Cover Page

METRO  
CORRECTIONS  
JAN 13 2014  
DIRECTOR'S  
OFFICE

Grievant: Tracy D Dotson

Date: 1-16-14

Assignment: H-7 main control

Grievant's Signature: [Signature] #401 Date: 1-16-14

Steward's Signature: [Signature] #401 Date: 1-16-14

Date of Complaint/Controversy 1-13-14

Supervisor/Intended Recipient of Grievance: Maj Ashby

Recipient's Signature: [Signature] Date: 1/16/14

Grievance Timely? Yes  No

FILED FEB 14 2014

Resolution by Recipient (Or Attach)

You are awarded your bid to 7-3 Security (S.C)

ENT'D JAN 27 2013

Grievant: \_\_\_\_\_ Appeal Resolution: \_\_\_\_\_ Accept Resolution: \_\_\_\_\_ Initials: \_\_\_\_\_

Steward: \_\_\_\_\_ Initials: \_\_\_\_\_

Date: \_\_\_\_\_

**FRATERNAL ORDER OF POLICE**  
Louisville Metro Department of Corrections Lodge 77

**GRIEVANCE/COMPLAINT**  
Summary

**Grievance / Complaint:**

In violation of the Collective Bargaining Agreement by and between Louisville/Jefferson County Metro Government and Louisville Corrections Fraternal Order of Police Lodge #77,

Sir,

I am grieving my involuntary transfer to dayshift Maintenance. I am wishing to return to my bidded assignment of 11-7 main control.

FILED FEB 14 2014



LOUISVILLE METRO DEPARTMENT OF CORRECTIONS  
LOUISVILLE, KENTUCKY

#1364

GREG FISCHER  
MAYOR  
August 3, 2021

DWAYNE A. CLARK, DIRECTOR

To: Daniel Johnson, FOP Lodge #77 President

Response to Step 2 Grievance on behalf of Tracy Dotson GRV05262021

Officer Dotson will receive the attached DAN for violation of the Code of Ethics and Conduct. According to Policy 01-3.02 Employee Code of Ethics and Conduct for discourteous conduct as outlined below.

**A. Code of Ethics**

**5. Behavior**

- a. Personnel shall conduct themselves with co-workers, the public and inmates in a respectful and courteous manner.
- b. Relationships with colleagues shall be of such character as to promote mutual respect with the profession and in public and shall adhere to all applicable Departmental regulations.

**B. Code of Conduct**

All personnel shall maintain exemplary personal integrity and ethical conduct in their relationships with other employees, inmates, and the general public.

**2. Conduct Unbecoming**

- a. Employees shall not commit any act that constitutes Conduct Unbecoming of a Departmental employee

The parties agreed to waive the formal disciplinary and appeals process associated with the DAN and the matter shall be resolved.

  
Dwayne A. Clark, Director

CC: Daniel Johnson, Union Representative David D. Fuller, Union Counsel Mary W. Sharp, Union Counsel	Martin Baker, Deputy Director Jerry Collins, Major Mike Ashby, Major Adrienne Henderson, Metro HR LMDC HR
--	---

**Louisville Metro Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Officer Tracy Dotson</i>	<b>Date:</b> <i>4/21/2021</i>	<b>Location Assigned:</b> [REDACTED] <b>Shift:</b> [REDACTED] <b>Off Days:</b> [REDACTED]
<b>Union Affiliation:</b> <i>FOP</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Unit Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or Metro policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02, Employee Code of Ethics and Conduct, VI, A, 5, a, b	Behavior
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 2, a	Conduct Unbecoming
3.	

**Violation Date(s): Please list each date per occurrence.**  
*4/21/2021*

**A brief description of the violation(s): Please state facts only.**

On the above date Officer Tracy Dotson was assigned to assist with an inmate vaccination detail at the main jail complex. I noticed that Officer Dotson had a cell phone in a side pocket of his pants. I asked Officer Dotson if he was authorized to have the cell phone in the security area. Officer Dotson told me that I should know. I informed him that I did not know and asked him again if it was authorized. Officer Dotson told me that I should go find out. I then instructed him to go see Deputy Director Baker about the cell phone. He told me that he was not going to do that. Officer Dotson was instructed to exit the area and that he was not needed for the detail.

Preparer's Name: Captain Darrell Goodlett

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a Meeting)
- Written (Not entitled to a Meeting)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Authority: 

Date: 2 July 21

Meeting Requested:  Yes  No

Employee Signature & Date: \_\_\_\_\_

Union Steward/Witness & Date: \_\_\_\_\_

\_\_\_\_\_  
Issuing Supervisor's Printed Name      Date

\_\_\_\_\_  
Issuing Supervisor's Signature      Date

If you are experiencing a personal problem affecting your professional conduct, you are urged to contact Metro's Employee Assistance Program (EAP) provider to receive expert, confidential counseling to assist in resolving any potential needs at (800) 779-9327 or online at [www.stueckerandassoc.com/lmq](http://www.stueckerandassoc.com/lmq).

### Meeting Results

Results of the Meeting: (If applicable)

Sustained       Dismissed       Referred to Counseling

Reduced to: \_\_\_\_\_

Date of Review: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

Director/Designee Signature: \_\_\_\_\_

### For Human Resources Use Only:

- Meeting results submitted to LMDC HR. Date: \_\_\_\_\_
- Metro HR consulted on Meeting results and/or EAP referral. Date: \_\_\_\_\_
- Meeting results sent to supervisor. Date: \_\_\_\_\_
- Discipline scheduled by supervisor or processed. Date: \_\_\_\_\_
- Data entered into PeopleSoft. Date: \_\_\_\_\_
- Copy of final disposition to employee disciplinary file. Date: \_\_\_\_\_

Page 2 of 2



## Spencer, Anita M

---

**From:** Mary Sharp [REDACTED]  
**Sent:** Wednesday, August 4, 2021 12:28 PM  
**To:** Spencer, Anita M  
**Subject:** Re: Message

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

---

Anita,  
I'm sorry I didn't get your call on time! Yes, the new letter/DAN is acceptable.  
HOWEVER we must have a "gentleman's agreement" that the initial DAN with the 5 day suspension is not placed in his personnel file, ever.

Sent from Mary W. Sharp  
Attorney at Law  
Message is legal and confidential

On Aug 4, 2021, at 12:09 PM, Spencer, Anita M <Anita.Spencer@louisvilleky.gov> wrote:

Good Afternoon,

I was working with Mr. Clark and Mr. Durham on the response text that I sent to you later on regarding Mr. Clark's 080321 response to the TDotson GRV.  
I did receive the message this morning that stated you were ok with it but would check with FOP.

Are we ok to move forward.

Anita

-----Original Message-----

**From:** Mary Sharp [REDACTED]  
**Sent:** Wednesday, August 4, 2021 12:03 PM  
**To:** Spencer, Anita M <Anita.Spencer@louisvilleky.gov>  
**Subject:** Message

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

I tried to reach you yesterday but was too late! What can I do for you, ma'am?

Sent from Mary W. Sharp  
Attorney at Law

**Message is legal and confidential**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

10/9/21  
RES EN  
Spencer, Anita M

ORIG Added to Wanice 7/28/21

**From:** Spencer, Anita M  
**Sent:** Wednesday, July 28, 2021 11:36 AM  
**To:** Durham, Steve P  
**Subject:** FW: Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621  
**Attachments:** Step 2 signed DIR Response ~ GRV FOP Lodge #77 obo Ofc Tracy Dotson GRV05262021.pdf; Dir Response to TracyDotsonGRV052621 signed 072621.pdf; RES GRV Copy - Dir Response to TracyDotsonGRV052621 signed 072621.pdf

COPY

07/28/21 – Mr. Durham,

In case you need the communication later on, I printed/scanned the correspondence emails between Ms. Sharp, you, and Mr. Clark (from 071321 to 072121) pertaining to the 072621 response.

See Attached "RES GRV Copy- Dir Response signed 072621" document.

**From:** Spencer, Anita M  
**Sent:** Monday, July 26, 2021 4:45 PM  
**To:** Johnson, Daniel P <Daniel.Johnson@louisvilleky.gov>; 'Mary Sharp' <[REDACTED]>; 'DAVID FULLER' <[REDACTED]>  
**Cc:** Durham, Steve P <Steve.Durham@louisvilleky.gov>; Baker, Martin L <Martin.Baker@louisvilleky.gov>; Collins, Jerry <Jerry.Collins@louisvilleky.gov>; Ashby, William M <William.Ashby@louisvilleky.gov>; Henderson, Adrienne B <Adrienne.Henderson@louisvilleky.gov>; Bland-Tunstull, Wanice N <Wanice.Tunstull@louisvilleky.gov>  
**Subject:** FW: Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621

**From:** Spencer, Anita M  
**Sent:** Friday, July 9, 2021 4:54 PM  
**To:** Johnson, Daniel P <Daniel.Johnson@louisvilleky.gov>; Mary Sharp <[REDACTED]>; DAVID FULLER <[REDACTED]>  
**Cc:** Durham, Steve P <Steve.Durham@louisvilleky.gov>; Baker, Martin L <Martin.Baker@louisvilleky.gov>; Collins, Jerry <Jerry.Collins@louisvilleky.gov>; Ashby, William M <William.Ashby@louisvilleky.gov>; Henderson, Adrienne B <Adrienne.Henderson@louisvilleky.gov>; Bland-Tunstull, Wanice N <Wanice.Tunstull@louisvilleky.gov>  
**Subject:** Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621

To/CC: Distribution List

See Attached Response from Director Clark's Step 2 GRV Mtg with FOP on 062821

Spencer, Anita M

COPY

COPY

COPY

**From:** Spencer, Anita M  
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**To:** Johnson, Daniel P; 'Mary Sharp'; 'DAVID FULLER'  
**Cc:** Durham, Steve P; Baker, Martin L; Collins, Jerry; Ashby, William M; Henderson, Adrienne B; Bland-Tunstull, Wanice N  
**Subject:** FW: Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621  
**Attachments:** Step 2 signed DIR Response ~ GRV FOP Lodge #77 obo Ofc Tracy Dotson GRV05262021.pdf; Dir Response to TracyDotsonGRV052621 signed 072621.pdf

①  
 Sent 7/9/2021  
 + ②

② Sent 7/26/21

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**To:** Johnson, Daniel P <Daniel.Johnson@louisvilleky.gov>; Mary Sharp [REDACTED]; DAVID FULLER [REDACTED]  
**Cc:** Durham, Steve P <Steve.Durham@louisvilleky.gov>; Baker, Martin L <Martin.Baker@louisvilleky.gov>; Collins, Jerry <Jerry.Collins@louisvilleky.gov>; Ashby, William M <William.Ashby@louisvilleky.gov>; Henderson, Adrienne B <Adrienne.Henderson@louisvilleky.gov>; Bland-Tunstull, Wanice N <Wanice.Tunstull@louisvilleky.gov>  
**Subject:** Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621

To/CC: Distribution List  
 See Attached Response from Director Clark's Step 2 GRV Mtg with FOP on 062821

08/04/21 > HR/PAYROLL  
SEE ATTACHED

**Spencer, Anita M**

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**From:** Spencer, Anita M  
**Sent:** Wednesday, August 4, 2021 12:58 PM  
**To:** Johnson, Daniel P; Mary Sharp; DAVID FULLER  
**Cc:** Durham, Steve P; Baker, Martin L; Collins, Jerry; Ashby, William M; Henderson, Adrienne B; Bland-Tunstull, Wanice N  
**Subject:** Step 2 - Dir Response - GRV of FOP Lodge 77 obo Tracy Dotson GRV05262021  
**Attachments:** Dir Response to TracyDotson GRV052621 signed 080321.pdf

To/CC: Distribution List

See Attached Response from Director Clark's Step 2 GRV Mtg with FOP on 062821

## Spencer, Anita M

---

**From:** Spencer, Anita M  
**Sent:** Wednesday, August 4, 2021 12:42 PM  
**To:** 'Mary Sharp'  
**Subject:** RE: Message

Mr. Clark says ok regarding the initial DAN with the 5 day suspension not being in his personnel file. Distribution will be completed shortly.

Anita

**From:** Mary Sharp [REDACTED]  
**Sent:** Wednesday, August 4, 2021 12:28 PM  
**To:** Spencer, Anita M <Anita.Spencer@louisvilleky.gov>  
**Subject:** Re: Message

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

---

Anita,  
I'm sorry I didn't get your call on time! Yes, the new letter/DAN is acceptable.  
HOWEVER we must have a "gentleman's agreement" that the initial DAN with the 5 day suspension is not placed in his personnel file, ever.

Sent from Mary W. Sharp  
Attorney at Law  
Message is legal and confidential

On Aug 4, 2021, at 12:09 PM, Spencer, Anita M <[Anita.Spencer@louisvilleky.gov](mailto:Anita.Spencer@louisvilleky.gov)> wrote:

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I did receive the message this morning that stated you were ok with it but would check with FOP.

Are we ok to move forward.

Anita

-----Original Message-----

**From:** Mary Sharp <[REDACTED]>

Sent: Wednesday, August 4, 2021 12:03 PM  
To: Spencer, Anita M <[Anita.Spencer@louisvilleky.gov](mailto:Anita.Spencer@louisvilleky.gov)>  
Subject: Message

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I tried to reach you yesterday but was too late! What can I do for you, ma'am?

Sent from Mary W. Sharp  
Attorney at Law  
Message is legal and confidential

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#1364

LOUISVILLE METRO DEPARTMENT OF CORRECTIONS  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

July 9, 2021

**ENTERED**

DWAYNE A. CLARK, DIRECTOR

JUL 15 2021

Initial: BB

To: Daniel Johnson, FOP Lodge #77 President

**Response to Step 2 Grievance on behalf of Tracy Dotson GRV05262021**

Grievance meeting on June 28, 2021 resulted in the agreement outlined below:

A Disciplinary Action Notice dated April 21, 2021 was received by Officer Dotson May 12, 2021 outlining a violation of LMDC Policy 01-3.02 **Employee Code of Ethics and Conduct**. A Step-one meeting occurred on June 9, 2021 wherein a suspension sanction was imposed. On May 26, 2021, the Union filed a discrimination grievance (FOP Status) on behalf of Officer Dotson regarding the April 21, 2021 DAN. On June 15, 2021 and June 18, 2021 Union Counsel filed 1.) a grievance appeal of the April 21, 2021 DAN and suspension discipline, 2.) a discrimination grievance (FOP Status), and 3.) a retaliation grievance (FOP Status) for Chief of Staff Troutman's June 17, 2021<sup>1</sup> decision denying Officer Dotson's June 14, 2021 request for permission to possess a cell phone within the secure perimeter.

All the above grievances were discussed at the Step-two disciplinary appeal meeting on June 28, 2021 involving Management, the grievant and Union representation, wherein the parties reached an agreement that is outlined as follows.

The grievances are denied, however, I agree to remove the April 21, 2021 DAN from Officer Dotson's personnel file and substitute it with the attached DAN for violation of the Code

---

<sup>1</sup> On May 26, 2021 Chief of Staff Troutman sent the following email to all Metro Corrections employees regarding cell phones:

**ALL** staff currently authorized to have a cell phone in security (whether departmental issued, union issued, contract vendor issued, personal, etc.) need to see or communicate with me by Friday June 4, 2021 for continued authorization. Effective Friday June 4, 2021 any and all prior authorizations will be void. At that time, I will issue a list of all authorized persons to the appropriate staff who need to know who is authorized to have a cell phone in security. Communicate any questions you may have directly to me.

Officer Dotson did not make a request before June 4, 2021 and therefore any prior authorization was void. Ten days after the June 4, 2021 deadline, Officer Dotson made his request that Chief of Staff Troutman denied. Chief of Staff Troutman granted written authorization to FOP Union President, Vice President, and Chief Union Steward.



of Ethics and Conduct for According to Policy 01-3.02 Employee Code of Ethics and Conduct for discourteous conduct as outlined below.

**A. Code of Ethics**

5. Behavior

- a. Personnel shall conduct themselves with co-workers, the public and inmates in a respectful and courteous manner.
- b. Relationships with colleagues shall be of such character as to promote mutual respect with the profession and in public and shall adhere to all applicable Departmental regulations.

**B. Code of Conduct**

All personnel shall maintain exemplary personal integrity and ethical conduct in their relationships with other employees, inmates, and the general public.

2. Conduct Unbecoming

- a. Employees shall not commit any act that constitutes Conduct Unbecoming of a Departmental employee

The suspension associated with the April 21, 2021 DAN is voided and any payroll deduction associated with the DAN is to be reimbursed. Other than writing the DAN, the parties waive the formalities of restart a disciplinary process and any associated steps relating to this agreed substitute DAN.

When a superior in the chain of command asked a subordinate a legitimate direct question that supervisor deserves a direct and courteous answer. That did not happen in this case. Officer Dotson acknowledged that he could have been more courteous and respectful, and he has agreed to a written reprimand. This response serves as the reprimand.



Dwayne A. Clark, Director

CC: Daniel Johnson, Union Representative David D. Fuller, Union Counsel Mary W. Sharp, Union Counsel	Martin Baker, Deputy Director Jerry Collins, Major Mike Ashby, Major Adrienne Henderson, Metro HR LMDC HR
--	---

**Spencer, Anita M**

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**From:** Spencer, Anita M  
**Sent:** Friday, July 9, 2021 4:59 PM  
**To:** Bland-Tunstull, Wanice N; Burggraf, Brandie J.; Clark Viou, Felecia  
**Subject:** FYI: Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621  
**Attachments:** Step 2 signed DIR Response ~ GRV FOP Lodge #77 obo Ofc Tracy Dotson GRV05262021.pdf

Wanice,

You probably already have the details, but Mr. Durham mentioned that the attached GRV response includes the ORIGINAL replacement DAN dtd 042121 (and is also dated 042121, but signatures are not required on the new DAN).

HR is to pull the ORIGINAL DAN dtd 042121 and substitute it with the NEW 042121 DAN which I will bring with you.

There may be some additional work as mentioned on page 2 of the Director's response, next to last paragraph.

I'll bring the originals to you on Monday.

Have a Good Weekend!

Anita

**From:** Spencer, Anita M  
**Sent:** Friday, July 9, 2021 4:54 PM  
**To:** Johnson, Daniel P <Daniel.Johnson@louisvilleky.gov>; 'Mary Sharp' [REDACTED]; DAVID FULLER [REDACTED]  
**Cc:** Durham, Steve P <Steve.Durham@louisvilleky.gov>; Baker, Martin L <Martin.Baker@louisvilleky.gov>; Collins, Jerry <Jerry.Collins@louisvilleky.gov>; Ashby, William M <William.Ashby@louisvilleky.gov>; Henderson, Adrienne B <Adrienne.Henderson@louisvilleky.gov>; Bland-Tunstull, Wanice N <Wanice.Tunstull@louisvilleky.gov>  
**Subject:** Step 2 - Dir Response - GRV of FOP Lodge 77 & Tracy Dotson GRV052621

To/CC: Distribution List

See Attached Response from Director Clark's Step 2 GRV Mtg with FOP on 062821

**Louisville Metro Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Officer Tracy Dotson</i>	<b>Date:</b> <i>4/21/2021</i>	<b>Location Assigned:</b> [REDACTED] <b>Shift:</b> [REDACTED] <b>Off Days:</b> [REDACTED]
<b>Union Affiliation:</b> <i>FOP</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Unit Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or Metro policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02, Employee Code of Ethics and Conduct, VI, A, 5, a, b	Behavior
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 2, a	Conduct Unbecoming
3.	

**Violation Date(s): Please list each date per occurrence.**

*4/21/2021*

**A brief description of the violation(s): Please state facts only.**

On the above date Officer Tracy Dotson was assigned to assist with an inmate vaccination detail at the main jail complex. I noticed that Officer Dotson had a cell phone in a side pocket of his pants. I asked Officer Dotson if he was authorized to have the cell phone in the security area. Officer Dotson told me that I should know. I informed him that I did not know and asked him again if it was authorized. Officer Dotson told me that I should go find out. I then instructed him to go see Deputy Director Baker about the cell phone. He told me that he was not going to do that. Officer Dotson was instructed to exit the area and that he was not needed for the detail.

*ORIG. DAN (NEW)  
ATTACHED*

*Replace  
Pull OLD*

*Signatures  
Not Rec.*

*04/21/21  
DAN*

**ENTERED**

*JUL 13 2021*

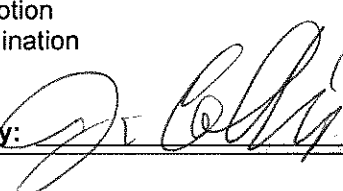
**Initial:** *BSB*

**Preparer's Name:** Captain Darrell Goodlett

**Continuation of violation description:**

**Recommended Action:** (Choose One)

- Verbal (Not entitled to a Meeting)
- Written (Not entitled to a Meeting)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

**Authority:**  **Date:** 2 July 21

**Meeting Requested:**  Yes  No

\_\_\_\_\_

**Employee Signature & Date:**

\_\_\_\_\_

**Union Steward/Witness & Date:**

\_\_\_\_\_

\_\_\_\_\_

**Issuing Supervisor's Printed Name**      **Date**

\_\_\_\_\_

**Issuing Supervisor's Signature**      **Date**

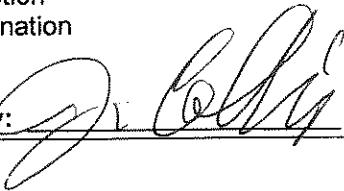
Large empty rectangular area for notes or description.

**Preparer's Name:** Captain Darrell Goodlett

**Continuation of violation description:**

**Recommended Action:** (Choose One)

- Verbal (Not entitled to a Meeting)
- Written (Not entitled to a Meeting)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

**Authority:**  **Date:** 2 July 21

\_\_\_\_\_  
**Issuing Supervisor's Printed Name**      **Date**

**Meeting Requested:**  Yes  No

\_\_\_\_\_  
**Employee Signature & Date:**

\_\_\_\_\_  
**Union Steward/Witness & Date:**

\_\_\_\_\_  
**Issuing Supervisor's Signature**      **Date**

*If you are experiencing a personal problem affecting your professional conduct, you are urged to contact Metro's Employee Assistance Program (EAP) provider to receive expert, confidential counseling to assist in resolving any potential needs at (800) 779-9327 or online at [www.stueckerandassoc.com/lmg](http://www.stueckerandassoc.com/lmg).*

### **Meeting Results**

**Results of the Meeting:** (If applicable)

Sustained       Dismissed       Referred to Counseling

Reduced to: \_\_\_\_\_

**Date of Review:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**Director/Designee Signature:** \_\_\_\_\_

### **For Human Resources Use Only:**

- Meeting results submitted to LMDC HR. Date: \_\_\_\_\_
- Metro HR consulted on Meeting results and/or EAP referral. Date: \_\_\_\_\_
- Meeting results sent to supervisor. Date: \_\_\_\_\_
- Discipline scheduled by supervisor or processed. Date: \_\_\_\_\_
- Data entered into PeopleSoft. Date: \_\_\_\_\_
- Copy of final disposition to employee disciplinary file. Date: \_\_\_\_\_

*Page 2 of 2*



Specifically, Article 21, the Nondiscrimination clause states that, "Metro Government and the Corrections Department shall not discriminate against any Member because said Member is or is not a member of the Fraternal Order of Police, nor because of FOP membership or FOP activity..." In the instant case, it is the position of the Fraternal Order of Police that the Disciplinary action against Officer Dotson is exactly retaliatory for his position as a leader of the Fraternal Order of Police and his activities relating to that position. This includes his FOP issued cell phone which has been approved by the administration for at least 8 years and such permission has never been revoked by the Department (until June 2021 when the grievance was filed). This is not a personal cell phone. Carrying this FOP issued phone has been approved due to the need of the membership to have access to him as, as previously stated, members tend to contact either President Daniel Johnson or Immediate Past President Tracy Dotson.

In order to thoroughly account for the incidents on April 21, 2021, which led to the DAN being appealed in this document, I am attaching Officer Dotson's harassment complaint filed on April 23, 2021 and the corresponding grievance filed on May 26, 2021. These documents provide specific details of the incidents at issue here. These documents are incorporated by reference. (See The Protected Rights of the Union Steward by Byron Yaffe, a copy of the relevant portions can be provided upon request). As Officer Dotson has pointed out, the Department, in issuing this Disciplinary Action Notice has violated Metro's own policies and procedures and training on disciplinary actions.

Kentucky Revised Statutes and Metro Ordinances recognize the inherent right of labor organizations to act to protect the rights of their members and prohibit interference with this right. The actions of LMDC in suspending Officer Dotson for possession of his FOP provided cell phone, for which he had permission, very clearly are intended to punish Officer Dotson for his union activity. The Department's support of a DAN suspending Officer Dotson for this phone, for which the administration knew was approved is an intentional action to punish him for his role and leadership in the union. In possessing his cellular FOP phone, Officer Dotson was engaging in protected union activity and in issuing a DAN for this, KRS 336.130, along with regulations of the Department of Labor have been violated. The Department should note that a Civil Lawsuit may be filed for violating a Kentucky Revised Statute per 446.070. In the instant case, 336.130 and other statutes have been violated.

On April 21 2021, when Officer Dotson and his own superior, Captain Montgomery, reported to the Main Jail Complex to assist Captain Goodlett and others with COVID vaccines- Officer Dotson loudly reported that he was present (as in the complaint attached by Dotson) due to a previous instance where he was advised he did not have to participate as he was out at LMDC Training (his regular assigned position), which led to his sergeant being verbally reprimanded by Goodlett. Subsequently, on April 21, 2021, Captain Goodlett crossed the room toward Officer Dotson and asked if he had a cell phone. Officer Dotson replied that he did. It is well known that Officer Dotson has had an approved FOP phone for many years. Captain Goodlett told him to go to the Deputy Director's office regarding the possession of a cell phone. Officer Dotson's own Captain, Captain Montgomery advised that they were not going to the




Deputy Director's office regarding this as they needed to attend to the reason they were present- to assist with COVID vaccines.

In the first level grievance hearing, Captain Montgomery attested to the above in front of Deputy Director Martin Baker. Deputy Director Baker then reduced the 5 day suspension to a 3 day suspension and wrote this on the DAN. Then, Baker stated that he didn't believe Montgomery and Dotson. In fact, his response was, "I feel like you're not being honest in here," "I don't believe everyone in here is being honest and I don't believe Captain Goodlett is lying." Thus, the Deputy Director called Dotson and his Captain liars. This is in spite of the other complaints that have been made against Captain Goodlett for harassment. The Deputy Director chose to back Goodlett instead of Dotson and his Captain. After being called a liar, Dotson rose and exited the room in order to mitigate escalation. Upon his exit, Deputy Director Baker reinstated the 5 day suspension and crossed out the 3 day suspension. This action was clearly done due to the mentioned escalating tempers in the first level hearing, and the Deputy Director's own temper.

"Where collective bargaining is allowed, it is illegal for an employer to discriminate against an employee because of the employee's union activities. Adverse action an employer takes against an employee or a labor organization which is motivated by anti-union bias, hostility or animus is usually directly prohibited by collective bargaining statutes. In the absence of a statute directly forbidding anti-union discrimination, courts will imply an obligation on the part of an employer not to engage in such conduct. Illegal discrimination may involve disciplining an officer." (The Rights of Law Enforcement Officers, Will Aitchison, 7<sup>th</sup> Edition 2015), Reno Police Protective Association, 715 P.2d 1321 (Nev.1986)(demotion); City of Hialeah Gardens, LAIG 5107 (Sherman, 1994)(termination); Florida PBA 22FPER 27,049 (Fla. PERC 1996)(Demotion); Sheriff of Williamson County, 14 PERI 2016 (Ill SLRB 1998)(suspension and termination), City of Philadelphia, 17 NPER PA-26117 (Pa. LRB ALJ 1995). More citations of cases supporting this doctrine are available yet too numerous to name in the grievance at this level.

Finally, as stated in the beginning of this appeal, the Collective Bargaining Agreement, Article 14 requires that disciplinary actions be made only if there is just cause. There are many elements of the just cause standard but most agree, actual proof must be found before disciplining an employee and in the instant case, the accusations, including the cell phone are not supported by just cause and should, thus, be dismissed and the document should be destroyed.

Respectfully submitted



Mary W. Sharp, Counsel

Cc: Officer Tracy Dotson

President Daniel Johnson  
Hon. David Fuller

**harassment**

Dotson, Tracy D <Tracy.Dotson@louisvilleky.gov>

Fri 4/23/2021 9:25 AM

To: Thompkins, Shannon <Shannon.Thompkins@louisvilleky.gov>

Cc: Baltimore, Deandrea L <Deandrea.Baltimore@louisvilleky.gov>; Johnson, Daniel P <Daniel.Johnson@louisvilleky.gov>; Wise, Joe <Joe.Wise@louisvilleky.gov>; James, David A <David.James@louisvilleky.gov>; Greg Fischer\_(Mayor) <Greg.Fischer@louisvilleky.gov>; Clark, Dwayne A. <Dwayne.Clark@louisvilleky.gov>

ma'am,

I am assigned to the training division of Metro Corrections. On March 24 my supervisor, Sgt Combs, said he had been asked by our admin to come downtown and help with pulling inmates at the jail for covid vaccinations. He asked me if I wanted to go and I said no because I had work to do at training. Sgt Combs said that was fine. When Sgt Combs arrived downtown he was accosted immediately by Capt Darrel Goodlet who asked him, "where's Tracy" referring to me. Sgt Combs told Capt Goodlet that he allowed me to stay at training and do my job. Capt Goodlet then loudly berated Sgt Combs and questioned his supervisory capacity and accused Sgt Combs of failing in his role as a supervisor. Capt Goodlet stated "this is why people say Dotson runs training because you allow him to do whatever he wants to do." this took place in front of several subordinate staff.

On April 21, Training was again asked to come downtown to assist with inmate covid vaccinations. This time Sgt Combs had me attend. I was with my partner, Ofc Bolton, and my Captain, Capt Montgomery. When we arrived on the 3rd floor to begin the detail I waved at Capt Goodlet and reported in that I was present. I did not want my Sgt to be yelled at again in front of subordinates so I made sure to report in. Capt Goodlet immediately walked over to me, entered my personal space and looked me up and down. Noticing that I had a cellphone in my pocket, he loudly asked me if my cellphone was authorized to be in the jail. I said, yeah but you can go check. Capt Goodlet was not happy with that answer and continued to question me about my phone. He was very abrupt and antagonistic and this was happening in front of approx 20 staff and inmates and I wanted to end this embarrassing interaction so I again told Capt Goodlet that he was free to check on the validity of my cellphone and turned away from him. Capt Goodlet then ordered my Capt Montgomery to escort me off the jail floor and be taken to Deputy Director Martin Baker's office. Capt Montgomery refused to do this and told Capt Goodlet that we were just there to help out and where could we get started. Capt Goodlet then told the training staff that we weren't needed and to leave. So we left.

Capt Goodlet was 30 feet down the hallway when I arrived and reported in. There was no way for him to know I had a cellphone in my pocket until he walked into my personal space. He walked over to me with the intention of creating a confrontation. This took place in front of over a dozen staff and inmates. There was a private office 10 feet away he could have asked me to step into if he felt the need to correct me. Capt Goodlet's sole intention was to upbraid and embarrass me in any way he could in a public fashion. My cellphone has been

authorized to be in the jail for many years as FOP President and as a current FOP board member.

On april 24 I was notified by my Capt Montgomery that Major Collins called him to inform him that I had a disciplinary action notice written up on me from Capt Goodlet for this incident. Capt Goodlet created a confrontation with me in front of numerous staff and inmates. Capt Goodlet is friends with, and reports directly to, Major William Ashby. I currently have a harassment grievance lodged against Major Ashby. [REDACTED]

[REDACTED] Capt Goodlet's March 24 statement to my Sgt about me "running training and doing whatever I wanted" coupled with his behavior towards me on April 21 reeks of harassment and retaliation and a desire to "put me in my place" in retribution for what his friend and immediate supervisor, Major Ashby, is currently experiencing.

The harassment and hostile working environment I am experiencing, [REDACTED] from Metro Corrections and its commanders is becoming untenable.

Ofc Tracy Dotson  
4-23-2021



# FRATERNAL ORDER OF POLICE GRIEVANCE

Louisville Corrections Lodge No. 77

METRO CORRECTIONS  
DIRECTOR'S OFFICE

MAY 26 2021

RECEIVED BY: AMS

PLEASE PRINT OR TYPE

NAME OF GRIEVANT <i>Tracy Datsun</i>	DATE <i>5-24-21</i>
GRIEVANT'S CURRENT ASSIGNMENT <i>Training</i>	DATE OF ALLEGED VIOLATION <i>5-21-21</i>
NAME OF FOP REPRESENTATIVE <i>Daniel Johnson</i>	
REPRESENTATIVE'S CURRENT ASSIGNMENT (AND/OR CONTACT INFO) <i>FOP President</i>	
ARTICLE(S) AND SECTION(S) NUMBER(S) OF CONTRACT VIOLATION <i>Article 14 sect 1, Article 21</i>	
STATEMENT OF GRIEVANCE (GIVE TIMES, DATES, WHO, WHAT, WHEN, WHERE, WHY, HOW):  <p><i>On 5-21-21 I was made to sign off on a DAN written up by Capt D. Goodlett and approved by senior staff. This DAN alleged that I possessed a personal cell phone inside the security perimeter of the jail and that I was insubordinate by not removing it from the jail. The phone I possessed was an authorized FOP phone and another Capt on-scene made the decision not to leave. Senior staff was made aware of these facts and issued the DAN anyway. Article 14, sect 1 of the Ofc/Sgt CBA requires just cause for discipline. I have been carrying an issued and authorized FOP inside the jail for many years and this is a well known fact to both Capt Goodlett and senior staff. Article 21 of the Ofc/Sgt CBA prohibits discrimination for engaging in FOP activity. This DAN is blatant bullying and discrimination for my FOP activity. This is also a breach of past practice and my contract with the dept.</i></p>	
REMEDY REQUESTED  <p><i>Complete destruction of the DAN in question so that no record of it exists. Also 16 hours of vacation time awarded directly to my accrual bank with written notification to me that both of these awards were made.</i></p>	
REPRESENTATIVES SIGNATURE <i>Daniel Johnson</i>	DATE <i>5-25-21</i>
GRIEVANT'S SIGNATURE <i>Tracy Datsun</i>	DATE <i>5-25-21</i>

**Spencer, Anita M**

---

**From:** Mary Sharp [REDACTED]  
**Sent:** Tuesday, June 15, 2021 12:37 PM  
**To:** Clark, Dwayne A.; Baker, Martin L; Thompkins, Shannon; Durham, Steve P; Spencer, Anita M; Tracy Dotson; Daniel P Johnson; DAVID FULLER  
**Subject:** Step 2 grievance of Officer Tracy Dotson  
**Attachments:** BRN3C2AF457B32F\_002158.pdf

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

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Dear All:

Attached hereto you will find the Step 2 grievance of Officer Tracy Dotson. All contractual requirements have been met. Please advise if administration will have a hearing or if you waive this level and we proceed to the Mayor's Designee. This appeal is timely filed.

Respectfully,  
Mary Sharp

METRO CORRECTIONS  
DIRECTOR'S OFFICE

JUN 21 2021

RECEIVED BY: AMS

MARY W. SHARP  
ATTORNEY AT LAW

[REDACTED]  
LOUISVILLE, KENTUCKY 40203

[REDACTED]  
marywsharp.com

Phone preferred [REDACTED]

office phone (502) 634-1300

June 18, 2021

Re: Tracy Dotson Grievance 6-17-2021 re: Retaliation for Union Based Activity

Director Dwayne Clark  
Deputy Director Martin Baker  
Louisville Metro Corrections  
400 South Sixth Street  
Louisville, Kentucky 40202

Dear Director Clark,

Please consider this letter as notice to you that we are grieving the retaliation and recent events that led to your withdrawal of permission for Officer Dotson's FOP cell phone. The denial of his right to carry a cell phone was June 17, 2021 thus, this is the date of the grievance. Officer Dotson has had permission from the Department to carry his FOP issued cell phone since approximately 2014. It has never been questioned until recently when Captain Goodlett issued a DAN to Officer Dotson for having his phone, even though it was still approved. We maintain it has been approved until June 17, 2021. After Dotson challenged the disciplinary action, he then was sent an email that his phone privilege was revoked. There were no grounds listed or given to Officer Dotson (as Past President of FOP 77) other than that his cell phone approval had been redacted. Officer Dotson had responded to an email from DD Troutman regarding the cell phone permission. He was notified on June 17 of this, thus ending his permission to carry his FOP phone for legitimate union business.

Officer Dotson's right to carry his FOP cell phone is based upon legitimate union activity. Withdrawing this permission arbitrarily, as was done here, is an intentional interference in union activity and union retaliation which is prohibited by law. There are no legitimate reasons for withdrawing his cell phone permission other than union retaliation and retaliation against FOP Past President Dotson for union based activity. The contractual grounds are as follows: Articles 2, 3, 8, 14, 16 and 21. If other contractual Articles become relevant, the grievant will update his grievance and notify LMDC administration.

As stated in previous correspondence and grievances, the allegation of retaliation is spelled out more specifically in the appeal document filed with LMDC on June 15, 2021 and is hereby incorporated by reference. The retaliation is continuing. As stated, on June 17, 2021, Officer Dotson's cell phone

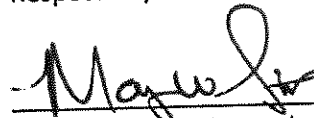
permission was taken away. There is no other logical reason for this except retaliation for challenging the Department in his appeal filed on June 15, 2021. This violates KRS 336.130 along with other statutes and ordinances protecting union based activity. Retaliation for union activity is a direct contractual violation.

In addition to being retaliated against and punished by the withdrawal of permission to carry his FOP phone, he was also treated differently than other officers who are issued suspensions. His suspension is being served already even though past practice very clearly differs from the way Officer Dotson is being treated. Suspensions such as this are historically not imposed until the grievance meeting with the Director. Since that meeting has yet to occur, forcing him off of work without pay prior to the grievance process being completed is yet another form of union retaliation. He is being treated differently than others with pending disciplinary actions.

The remedy requested is still to remove any disciplinary actions that have been dismissed from his personnel file and to reinstate his right to handle his responsibility of union business by permitting the cell phone to be carried and for the retaliation to cease. In addition, he should be paid for any suspension time as the process has not been completed. Thus, he has not had his hearing with you but has been forced to suffer the suspension which is in direct conflict with past practice and yet another form of retaliation.

Please let us know when we can meet for the DAN appeal and for the corresponding grievances, including this one.

Respectfully submitted,

  
Mary W. Sharp, Counsel



## Spencer, Anita M

---

**From:** Mary Sharp [REDACTED]  
**Sent:** Friday, June 18, 2021 12:45 PM  
**To:** Clark, Dwayne A.; Spencer, Anita M; Tracy Dotson; Daniel P Johnson; DAVID FULLER  
**Subject:** Grievance of FOP 77 and Tracy Dotson regarding retaliation  
**Attachments:** BRN3C2AF457B32F\_002171.pdf

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To all:

Attached hereto, you will find the grievance of Tracy Dotson for continued retaliation against him for union based activities. He is being treated differently than other officers and, due to his position within the FOP, we believe this is but another example of retaliation against union activity.

Respectfully,  
Mary W. Sharp

MARY W. SHARP  
ATTORNEY AT LAW

[REDACTED]  
LOUISVILLE, KENTUCKY 40203

[REDACTED]  
marywsharp.com

METRO CORRECTIONS  
DIRECTOR'S OFFICE

JUN 21 2021 A

RECEIVED BY: AMS

Phone preferred [REDACTED]

office phone (502) 634-1300

June 18, 2021

Re: Tracy Dotson Grievance 6-17-2021 re: Retaliation for Union Based Activity AMENDED

Director Dwayne Clark  
Deputy Director Martin Baker  
Louisville Metro Corrections  
400 South Sixth Street  
Louisville, Kentucky 40202

Dear Director Clark,

Please consider this letter as notice to you that we are grieving the retaliation and recent events that led to your withdrawal of permission for Officer Dotson's FOP cell phone. The denial of his right to carry a cell phone was June 17, 2021 thus, this is the date of the grievance. Officer Dotson has had permission from the Department to carry his FOP issued cell phone since approximately 2014. It has never been questioned until recently when Captain Goodlett issued a DAN to Officer Dotson for having his phone, even though it was still approved. We maintain it has been approved until June 17, 2021. After Dotson challenged the disciplinary action, he then was sent an email that his phone privilege was revoked. There were no grounds listed or given to Officer Dotson (as Past President of FOP 77) other than that his cell phone approval had been redacted. Officer Dotson had responded to an email from DD Troutman regarding the cell phone permission. He was notified on June 17 of this, thus ending his permission to carry his FOP phone for legitimate union business.

Officer Dotson's right to carry his FOP cell phone is based upon legitimate union activity. Withdrawing this permission arbitrarily, as was done here, is an intentional interference in union activity and union retaliation which is prohibited by law. There are no legitimate reasons for withdrawing his cell phone permission other than union retaliation and retaliation against FOP Past President Dotson for union based activity. The contractual grounds are as follows: Articles 2, 3, 8, 14, 16 and 21. If other contractual Articles become relevant, the grievant will update his grievance and notify LMDC administration.

As stated in previous correspondence and grievances, the allegation of retaliation is spelled out more specifically in the appeal document filed with LMDC on June 15, 2021 and is hereby incorporated by reference. The retaliation is continuing. As stated, on June 17, 2021, Officer Dotson's cell phone

permission was taken away. There is no other logical reason for this except retaliation for challenging the Department in his appeal filed on June 15, 2021. This violates KRS 336.130 along with other statutes and ordinances protecting union based activity. Retaliation for union activity is a direct contractual violation.

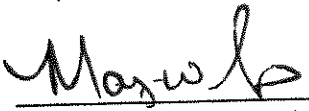
Officer Dotson performs a great deal of activity and representation on behalf of FOP Lodge 77. He continues to serve as a Board member for the Lodge, he is the media spokesman for FOP 77, he works closely with President Daniel Johnson who relies on him for assistance in a variety of FOP matters and as such, needs to be able to be reached at all times, hence the FOP cell phone. We submit this is harassment and retaliation for his FOP media interviews recently and in the past which point out the problems being faced with the LMDC and call for accountability for the administration and its practices.

In addition to being retaliated against and punished by the withdrawal of permission to carry his FOP phone, he was also treated differently than other officers who are issued suspensions. His suspension is being served already even though past practice very clearly differs from the way Officer Dotson is being treated. Suspensions such as this are historically not imposed until the grievance meeting with the Director. Since that meeting has yet to occur, forcing him off of work without pay prior to the grievance process being completed is yet another form of union retaliation. He is being treated differently than others with pending disciplinary actions.

The remedy requested is still to remove any disciplinary actions that have been dismissed from his personnel file and to reinstate his right to handle his responsibility of union business by permitting the cell phone to be carried and for the retaliation to cease. In addition, he should be paid for any suspension time as the process has not been completed. Thus, he has not had his hearing with you but has been forced to suffer the suspension which is in direct conflict with past practice and yet another form of retaliation.

Please let us know when we can meet for the DAN appeal and for the corresponding grievances, including this one.

Respectfully submitted,

  
Mary W. Sharp, Counsel

Added  
Amended  
←

**Spencer, Anita M**

---

**From:** Mary Sharp [REDACTED]  
**Sent:** Friday, June 18, 2021 1:18 PM  
**To:** Tracy Dotson; Clark, Dwayne A.; Spencer, Anita M; Daniel P Johnson; DAVID FULLER; Durham, Steve P  
**Subject:** Amended Grievance  
**Attachments:** BRN3C2AF457B32F\_002173.pdf

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Attached you will find an amended form of the grievance of Tracy Dotson and FOP 77. This document originally was sent approximately 30 minutes ago. The amended version is timely filed.

Thank you,  
Mary Sharp

## Spencer, Anita M

---

**From:** Clark, Dwayne A.  
**Sent:** Friday, June 18, 2021 10:39 AM  
**To:** Spencer, Anita M; Durham, Steve P  
**Subject:** Fwd: Tracy Dotson step 2 grievance.

Sent from my iPhone

Begin forwarded message:

**From:** Mary Sharp [REDACTED]  
**Date:** June 18, 2021 at 10:37:53 AM EDT  
**To:** "Clark, Dwayne A." <Dwayne.Clark@louisvilleky.gov>  
**Subject:** Re: Tracy Dotson step 2 grievance.

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---

Yes, Sir! Just let me know when you'd like to meet and hopefully it'll work with my schedule!

Sent from Mary W. Sharp  
Attorney at Law  
Message is legal and confidential

On Jun 18, 2021, at 9:25 AM, Clark, Dwayne A. <Dwayne.Clark@louisvilleky.gov> wrote:

Step 2 meeting will be with me.

Sent from my iPhone

> On Jun 18, 2021, at 9:22 AM, Mary Sharp [REDACTED] wrote:  
>  
> CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe  
>  
> Dear Director Clark-  
> Will we schedule a step 2 grievance meeting with you or should we just proceed to the mayor's level? My understanding is that you've already imposed the suspension prior to this meeting at step 2, thus I can assume you are upholding it? Please advise?  
> Thank you in advance for your input.

- >
- > **Mary Sharp**
- >
- > **Sent from Mary W. Sharp**
- > **Attorney at Law**
- > **Message is legal and confidential**
- >

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

**Spencer, Anita M**

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**From:** Spencer, Anita M  
**Sent:** Wednesday, May 26, 2021 4:35 PM  
**To:** Johnson, Daniel P; Ledrick, Rodger; Mulder, Johnathan P.; Garrett, Josh; Tassin, Donald J; Dotson, Tracy D  
**Subject:** Grievance Answered - 052621

Please stop by my desk to pick up the answer to your above referenced grievance. You will need to sign and date the form(s) when you pick it/them up.

Thank you,

Anita

Disp  
M/T  
6/16/21  
on GRV mentioned  
in 052621  
-----  
Sup Issued.  
OFF  
SLS

NSQ  
060721



# FRATERNAL ORDER OF POLICE GRIEVANCE

Louisville Corrections Lodge No. 77

MEMPHIS CORRECTIONS  
DIRECTOR'S OFFICE

MAY 26 2021

RECEIVED BY: AMS

PLEASE PRINT OR TYPE

NAME OF GRIEVANT <i>Tracy Dotson</i>	DATE <i>5-24-21</i>
GRIEVANT'S CURRENT ASSIGNMENT <i>Training</i>	DATE OF ALLEGED VIOLATION <i>5-21-21</i>
NAME OF FOP REPRESENTATIVE <i>Daniel Johnson</i>	
REPRESENTATIVE'S CURRENT ASSIGNMENT (AND/OR CONTACT INFO) <i>FOP President</i>	
ARTICLE(S) AND SECTION(S) NUMBER(S) OF CONTRACT VIOLATION <i>Article 14 sect 1, Article 21</i>	
STATEMENT OF GRIEVANCE (GIVE TIMES, DATES, WHO, WHAT, WHEN, WHERE, WHY, HOW): <i>On 5-21-21 I was made to sign off on a DAN written up by Capt D. Goodlett and approved by senior staff. This DAN alleged that I possessed a personal cell phone inside the security perimeter of the jail and that I was insubordinate by not removing it from the jail. The phone I possessed was an authorized FOP phone and another Capt on-scene made the decision not to leave. Senior staff was made aware of these facts and issued the DAN anyway. Article 14, sect 1 of the Ofc/Sgt CBA requires just cause for discipline. I have been carrying an issued and authorized FOP inside the jail for many years and this is a well known fact to both Capt Goodlett and senior staff. Article 21 of the Ofc/Sgt CBA prohibits discrimination for engaging in FOP activity. This DAN is blatant bullying and discrimination for my FOP activity. This is also a breach of past practice and my contract with the dept.</i>	
REMEDY REQUESTED <i>Complete destruction of the DAN in question so that no record of it exists. Also 16 hours of vacation time awarded directly to my accrual bank with written notification to me that both of these awards were made.</i>	
REPRESENTATIVE'S SIGNATURE <i>[Signature]</i>	DATE <i>5-25-21</i>
GRIEVANT'S SIGNATURE <i>[Signature]</i>	DATE <i>5-25-21</i>



THE ORIGINAL OF THIS FORM MUST BE SUBMITTED AT EVERY STEP. ONCE A DECISION HAS BEEN MADE, THE ORIGINAL MUST BE RETURNED TO THE FOP REPRESENTATIVE ALONG WITH ANY WRITTEN RESPONSE TO THE GRIEVANCE. IF THERE IS NO RESPONSE OR IF THE ORIGINAL IS NOT RETURNED TO THE FOP TIMELY, THE FOP MAY ADVANCE A COPY OF THIS FORM TO THE NEXT STEP.

<b>STEP ONE</b>			
IMMEDIATE SUPERVISOR / SUPERVISOR OUT OF BARGAINING UNIT			
IDENTIFY MANAGEMENT OFFICIAL RECEIVING GRIEVANCE (NAME & RANK)			
<i>Major Jerry Collins</i>			
DATE DELIVERED	SIGNATURE OF MANAGEMENT OFFICIAL	DATE OF MEETING (IF APPLICABLE)	DATE OF MANAGEMENT REPLY
<i>6 May 21</i>	<i>[Signature]</i>		
REQUESTED REMEDY GRANTED? (YES/NO) ATTACH RESPONSE		GRIEVANCE RESOLVED? (YES/NO) <b>FOP</b>	
<i>Hearing is scheduled for disciplinary.</i>		<i>[Signature] 6-1-21</i>	

<b>STEP TWO</b>	
DIRECTOR	
DATE DELIVERED	DIRECTORS SIGNATURE
DATE OF MEETING (IF APPLICABLE)	DATE OF RESPONSE (ATTACH RESPONSE)
REQUESTED REMEDY GRANTED (YES/NO)	GRIEVANCE RESOLVED? (YES/NO) <b>FOP</b>

<b>STEP THREE</b>	
MAYOR/DESIGNEE	
DATE DELIVERED	MAYOR/DESIGNEE
DATE OF MEETING (IF APPLICABLE)	DATE OF RESPONSE (ATTACH RESPONSE)
REQUESTED REMEDY GRANTED (YES/NO)	GRIEVANCE RESOLVED? (YES/NO) <b>FOP</b>

6/9

DAN O'DONOGHUE  
 FOP Rep  
 6/9/21

<b>STEP FOUR</b>	
NOTICE OF INTENT FOR MEDIATION OR ADVISORY ARBITRATION	
IDENTIFY MANAGEMENT OFFICIAL RECEIVING GRIEVANCE (NAME & RANK)	
DATE DELIVERED	SIGNATURE OF MANAGEMENT OFFICIAL

## Grievance Tracking

	From Date	To Date
Step One		
Step Two (Director)		
Step Three (Mayor / Designee)		
Step Four (Mediation / Arbitration)		

DISPOSITION DATE		
FINAL DISPOSITION OF GRIEVANCE		
NOTIFICATION DATE	GRIEVANT NOTIFIED BY	METHOD OF NOTIFICATION

**Louisville Metro Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Officer Tracy Dotson</i>	<b>Date:</b> <i>4/21/2021</i>	<b>Location Assigned:</b> [REDACTED] <b>Shift:</b> [REDACTED] <b>Off Days:</b> [REDACTED]
<b>Union Affiliation:</b> <i>FOP</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Unit Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or Metro policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 13 d, i	Searches and contraband Personal cell phone
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 5, b	Dereliction of Duty Failure to Obey an Order
3.	

**Violation Date(s): Please list each date per occurrence.**

**4/21/2021**

**A brief description of the violation(s): Please state facts only.**

On the above date Officer Tracy Dotson was assigned to assist with an inmate vaccination detail at the main jail complex. I noticed that Officer Dotson had a cell phone in a side pocket of his pants. I asked Officer Dotson if he was authorized to have the cell phone in the security area. Officer Dotson told me that I should know. I informed him that I did not know and asked him again if it was authorized. Officer Dotson told me that I should go find out. I then instructed him to go see Deputy Director Baker about the cell phone. He told me that he was not going to do that. Officer Dotson was instructed to exit the area and that he was not needed for the detail.

**Preparer's Name:** Captain Darrell Goodlett

**Continuation of violation description:**

<p><b>Recommended Action:</b> (Choose One)</p> <p><input type="checkbox"/> Verbal (Not entitled to a Meeting)</p> <p><input type="checkbox"/> Written (Not entitled to a Meeting)</p> <p><input checked="" type="checkbox"/> Suspension <u>025</u> Days <u>022</u></p> <p><input type="checkbox"/> Demotion</p> <p><input type="checkbox"/> Termination</p> <p><b>Authority:</b> <u>J. Collins</u> <b>Date:</b> <u>4/22/21</u></p>	<p><b>Meeting Requested:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><u>[Signature]</u> <u>5-12-21</u> <b>Employee Signature &amp; Date:</b></p> <p><u>[Signature]</u> <u>5-12-21</u> <b>Union Steward/Witness &amp; Date:</b></p>
<p><u>[Signature]</u> <u>5/12/21</u> <b>Issuing Supervisor's Printed Name</b> <b>Date</b></p>	<p><u>[Signature]</u> <u>5-12-21</u> <b>Issuing Supervisor's Signature</b> <b>Date</b></p>

Preparer's Name: Captain Darrell Goodlett

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a Meeting)
- Written (Not entitled to a Meeting)
- Suspension ~~10~~ 5 Days ~~0~~
- Demotion
- Termination

Authority: J. Collins Date: 4/22/21

Meeting Requested:  Yes  No

Employee Signature & Date: [Signature] 5-12-21

Union Steward/Witness & Date: [Signature] 5-12-21

Issuing Supervisor's Printed Name Capt. M. Marbury Date 5/12/21

Issuing Supervisor's Signature [Signature] Date 5-12-21

*If you are experiencing a personal problem affecting your professional conduct, you are urged to contact Metro's Employee Assistance Program (EAP) provider to receive expert, confidential counseling to assist in resolving any potential needs at (800) 779-9327 or online at [www.stueckerandassoc.com/lmg](http://www.stueckerandassoc.com/lmg).*

### **Meeting Results**

**Results of the Meeting:** (If applicable)

Sustained       Dismissed       Referred to Counseling

Reduced to: \_\_\_\_\_

**Date of Review:** \_\_\_\_\_ **Union Representative's Signature:** \_\_\_\_\_

**Director/Designee Signature:** \_\_\_\_\_

### **For Human Resources Use Only:**

- Meeting results submitted to LMDC HR. Date: \_\_\_\_\_
- Metro HR consulted on Meeting results and/or EAP referral. Date: \_\_\_\_\_
- Meeting results sent to supervisor. Date: \_\_\_\_\_
- Discipline scheduled by supervisor or processed. Date: \_\_\_\_\_
- Data entered into PeopleSoft. Date: \_\_\_\_\_
- Copy of final disposition to employee disciplinary file. Date: \_\_\_\_\_

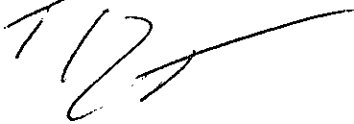
*Page 2 of 2*

May 12 2021

This DAN is blatant and obvious harassment and retaliation for my notifications to LMDC and Metro HR on ongoing incidents of harassment by LMDC leadership inflicted upon me. The phone in question is an authorized FOP phone, easily verified through documentation that Capt Goodlett should have done before discipline was issued. Capt Montgomery has already went on record with Dep Dir Baker that Capt Montgomery stated on the scene that there would be no visit to the admin office during this incident. I have already advised LMDC and Metro HR of this incident and its relation to my previous complaints and have received no response. Other than this false and patently untrue disciplinary action notice.

Ofc Tracy Dotson

May 12 2021.

A handwritten signature in black ink, appearing to read 'T Dotson', written over the typed name and date.

## harassment

Dotson, Tracy D <Tracy.Dotson@louisvilleky.gov>

Fri 4/23/2021 9:25 AM

To: Thompkins, Shannon <Shannon.Thompkins@louisvilleky.gov>

Cc: Baltimore, Deandrea L <Deandrea.Baltimore@louisvilleky.gov>; Johnson, Daniel P <Daniel.Johnson@louisvilleky.gov>; Wise, Joe <Joe.Wise@louisvilleky.gov>; James, David A <David.James@louisvilleky.gov>; Greg Fischer\_(Mayor) <Greg.Fischer@louisvilleky.gov>; Clark, Dwayne A. <Dwayne.Clark@louisvilleky.gov>

ma'am,

I am assigned to the training division of Metro Corrections. On March 24 my supervisor, Sgt Combs, said he had been asked by our admin to come downtown and help with pulling inmates at the jail for covid vaccinations. He asked me if I wanted to go and I said no because I had work to do at training. Sgt Combs said that was fine. When Sgt Combs arrived downtown he was accosted immediately by Capt Darrel Goodlet who asked him, "where's Tracy" referring to me. Sgt Combs told Capt Goodlet that he allowed me to stay at training and do my job. Capt Goodlet then loudly berated Sgt Combs and questioned his supervisory capacity and accused Sgt Combs of failing in his role as a supervisor. Capt Goodlet stated "this is why people say Dotson runs training because you allow him to do whatever he wants to do." this took place in front of several subordinate staff.

On April 21, Training was again asked to come downtown to assist with inmate covid vaccinations. This time Sgt Combs had me attend. I was with my partner, Ofc Bolton, and my Captain, Capt Montgomery. When we arrived on the 3rd floor to begin the detail I waved at Capt Goodlet and reported in that I was present. I did not want my Sgt to be yelled at again in front of subordinates so I made sure to report in. Capt Goodlet immediately walked over to me, entered my personal space and looked me up and down. Noticing that I had a cellphone in my pocket, he loudly asked me if my cellphone was authorized to be in the jail. I said, yeah but you can go check. Capt Goodlet was not happy with that answer and continued to question me about my phone. He was very abrupt and antagonistic and this was happening in front of approx 20 staff and inmates and I wanted to end this embarrassing interaction so I again told Capt Goodlet that he was free to check on the validity of my cellphone and turned away from him. Capt Goodlet then ordered my Capt Montgomery to escort me off the jail floor and be taken to Deputy Director Martin Baker's office. Capt Montgomery refused to do this and told Capt Goodlet that we were just there to help out and where could we get started. Capt Goodlet then told the training staff that we weren't needed and to leave. So we left.

Capt Goodlet was 30 feet down the hallway when I arrived and reported in. There was no way for him to know I had a cellphone in my pocket until he walked into my personal space. He walked over to me with the intention of creating a confrontation. This took place in front of over a dozen staff and inmates. There was a private office 10 feet away he could have asked me to step into if he felt the need to correct me. Capt Goodlet's sole intention was to upbraid and embarrass me in any way he could in a public fashion. My cellphone has been



authorized to be in the jail for many years as FOP President and as a current FOP board member.

On april 24 I was notified by my Capt Montgomery that Major Collins called him to inform him that I had a disciplinary action notice written up on me from Capt Goodlet for this incident. Capt Goodlet created a confrontation with me in front of numerous staff and inmates. Capt Goodlet is friends with, and reports directly to, Major William Ashby. I currently have a harassment grievance lodged against Major Ashby. [REDACTED]

[REDACTED] Capt Goodlet's March 24 statement to my Sgt about me "running training and doing whatever I wanted" coupled with his behavior towards me on April 21 reeks of harassment and retaliation and a desire to "put me in my place" in retribution for what his friend and immediate supervisor, Major Ashby, is currently experiencing.

The harassment and hostile working environment I am experiencing, [REDACTED] from Metro Corrections and its commanders is becoming untenable.

Ofc Tracy Dotson  
4-23-2021

# What is “Just Cause”?

- The violated policy or directive must be reasonably related to orderly, efficient, and safe operations.
- Management must make a fair and objective investigation of the facts, prior to administering any discipline; where immediate action is required, however, an employee could be placed on suspension pending the outcome of an investigation. Specific provisions vary slightly between departmental, Metro Government personnel policies, and various union contracts.

# What is “Just Cause”?

- Management’s rules, orders, and disciplinary action must be applied in a consistent and non-discriminatory manner. If enforcement of management’s rules has been lax in the past and management desires to rectify the situation, discipline cannot be initiated without adequately forewarning the employees. If the rule is intended to apply to all those within a department, division or other work unit, it must then be consistently applied to all affected employees.

# Investigation Prior to Disciplinary Action Meeting

- Supervisors shall meet with employees and investigate any discrepancies prior to issuing discipline.
- In most cases, the supervisor preparing the ECF/DAN shall be the person that supervises the employee in question. It is acceptable for other employees who witnessed an incident or behavior to prepare incident reports, if the supervisor was not involved in the incident.
- Discipline shall be administered in a timely fashion as set forth by the appropriate collective bargaining agreement, where applicable.

## What is “Just Cause”?

- There must be substantial, persuasive, evidence that the employee has committed the alleged acts. The standard of proof will vary depending on the type of charge involved; however, the evidence cannot consist of mere rumors or unsupported accusations.

## Spencer, Anita M

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**From:** Spencer, Anita M  
**Sent:** Monday, June 21, 2021 3:49 PM  
**To:** Clark, Dwayne A.; Troutman, Eric; Durham, Steve P; Baker, Martin L; Collins, Jerry; Ashby, William M  
**Subject:** Step 2 FOP GRV06152021 (Tracy Dotson GRV05262021)  
**Attachments:** Step 2 FOP Lodge 77 GRV061521( Dir Appeal of Tracy DotsonGRV052621).pdf; TracyDotson GRV052621.pdf; Tracy Dotson DAN dtd 042121.pdf; Step 2 - GRV062121 Additional GRV of FOP & Tracy Dotson (cell phone permission withdrawal) dated 061721 rcvd 062121.pdf; Step 2 -GRV062121A Amended Additional GRV of FOP & Tracy Dotson (cell phone permission withdrawal) dated 061721 rcvd 062121.pdf

Two more Step 2, Director's GRVs dated GRV062121 (Additional) & GRV0062121A (Amended Additional) for FOP & Tracy Dotson were received today.

Both are attached.

One is the GRV for Dotson's 06/17/21 denial to carry a cell phone and the subsequent email revoking his phone privilege.

The other is an Amendment adding detail on page 2 which is flagged with a yellow post-it.

I will put them with the 061521 (also attached) GRV unless you tell me otherwise.

Looking to schedule Step 2 Mtg by the end of June.

Anita

**From:** Spencer, Anita M  
**Sent:** Tuesday, June 15, 2021 3:02 PM  
**To:** Clark, Dwayne A. <Dwayne.Clark@louisvilleky.gov>; Troutman, Eric <Eric.Troutman@louisvilleky.gov>; Durham, Steve P <Steve.Durham@louisvilleky.gov>; Baker, Martin L <Martin.Baker@louisvilleky.gov>; Collins, Jerry <Jerry.Collins@louisvilleky.gov>; Ashby, William M <William.Ashby@louisvilleky.gov>  
**Subject:** Step 2 FOP GRV06152021 (Tracy Dotson GRV05262021)

Step 2, Director's GRV for TDotson was received today from Mary Sharp via email.

The Step 2 GRV (includes the front page of Step 1 GRV that was filed before the Disciplinary meeting on 060921 took place)

Both are attached for your convenience as well as the 060921 Disp Mtg results of DAN dated 042121.

## Spencer, Anita M

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**Subject:** Step 2 GRV - FOP Lodge #77 & Tracy Dotson  
**Location:** 3rd Flr Conf Rm

**Start:** Mon 6/28/2021 4:00 PM  
**End:** Mon 6/28/2021 4:30 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Clark, Dwayne A.  
**Required Attendees:** Johnson, Daniel P; Ledrick, Rodger; Mary Sharp; Troutman, Eric; Durham, Steve P; Martin Baker; Collins, Jerry; Ashby, William M

Brandie,

Please delete  
the original DAN  
& replace w/ the  
new DAN (green tab).

Thanks!  
W



Personnel

# FRATERNAL ORDER OF POLICE

Louisville Metro Department of Corrections Lodge 77

METRO  
CORRECTIONS

## GRIEVANCE/COMPLAINT FORM

APR - 2 2013

DUP: 1013

Name: Tracy D Dotson

Date: 4-2-13

Assignment: H-7 NSC Main Control

Date of Complaint: 4-2-13

**Grievance / Complaint:**

On 3-27-13 at 0745, I filed an FOP grievance on Capt D. Goodlet for an incident in which he removed me from my post for failure to follow an order which would have required me to violate Dept policy. On 4-2-13 Capt Goodlet issued me a Disciplinary Action Notice (DAN) for the same incident I filed the grievance on. I believe this DAN is retaliation for my filed grievance, a protected FOP activity, and a violation of Officers/Sergeants contract Article 21, Nondiscrimination. It is also a violation of Article 14, Discipline. FOP members may only be disciplined for just cause.

REQUESTED RESOLUTION: Capt Goodlet be issued a DAN for his actions in this incident.

Your Signature: [Signature] #401 Date: 4-2-13

Steward's Signature [Signature] #599 T. Dearinger Date: 4-2-13

Grievance Timely: Yes  No  Supervisor's Signature: \_\_\_\_\_

**Resolution By Supervisor:**

At 0407, 3/27/13 I received an e-mail from Capt Goodlet that stated there was a write-up completed (See Attached)

Resolution denied. [Signature]

Griever: \_\_\_\_\_ Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_

Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

FILED APR 15 2013

Ashby, William

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**From:** Goodlett, Darrell  
**Sent:** Wednesday, March 27, 2013 4:07 AM  
**To:** Ashby, William  
**Subject:** records access

Tonight Ofc. Dotson decided to post a policy at the door leading to records from the booking floor that states that records shall not be used as a pass through. He then refused to allow a pretrial employee access to records. He did not consult a supervisor before doing so. He informed Troutman and Vincent that he had posted the policy after the fact. I was not aware until he refused someone access. Pretrial told me that they had permission from the administration to pass through records. I told Dotson that we would allow the access tonight and I would clarify with you whether or not they were supposed to enter or exit through records. He then informed me that he would not follow that order because I was ordering him to violate policy. I reassigned him to exterior control for the remainder of the shift. There is a write up coming your way for Dotson. I was later provided a copy of an email from Mr. Clark authorizing records access through records. I'll include a copy with the write up.

Thanks,

Captain Darrell Goodlett  
3rd Shift Commander  
Louisville Metro Department of Corrections  
Office (502) 574-7446  
Cell [REDACTED]  
[Darrell.Goodlett@LouisvilleKY.gov](mailto:Darrell.Goodlett@LouisvilleKY.gov)

**Louisiana Metropolitan Department of Corrections  
Disciplinary Action Notice (DAN)**

*\*This is a computerized form. Save as a new file on your personal drive before using. Tab to each section and type or select desired entry. Help messages for each section are displayed at the bottom of your screen in the status bar.*

<b>Employee Name and Title:</b> <i>Officer Tracy Dotson</i>	<b>Date:</b> <i>03/27/13</i>	<b>Area Assigned:</b> <b>Shift:</b> [REDACTED]
<b>Union type:</b> <i>FOP Line Staff</i>	<b>Category of Violation:</b> <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Attendance	<b>Section Assigned:</b> [REDACTED]

**You are being provided this notice of violation of the following departmental and/or County policy and procedure(s):**

<b>Policy Number, Title, Section, Subsection</b>	<b>Subsection or Section Title (If applicable)</b>
1. 01-3.02, Employee Code of Ethics and Conduct, VI, A, 1, e	Personnel shall not violate any . . . lawful orders from any person to which they are subordinate
2. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 1, a	Compliance with Orders
3. 01-3.02, Employee Code of Ethics and Conduct, VI, B, 2, a	Conduct Unbecoming

**A brief description of the violation(s):**

On 3/27/13 Ofc. Dotson was assigned to main control. Ofc. Dotson posted policy 03-2.02, Access to Records-Property and I.D. Lab, which states, "The Records Department and the Identification Lab shall not be used as a passageway from the public side of the building to the security side or vice-versa" at the security door leading from the booking floor to records. When pretrial employee Samantha Ravenscroft attempted to access the door from the booking floor to records Ofc. Dotson refused to let her through. I was notified of the situation. Ravenscroft informed me that pretrial employees had been given permission by the administration to access these doors to enter and exit the jail. I spoke with Ofc. Dotson about the situation and instructed him to allow pretrial employees access to records until I could clarify with the administration whether or not they were allowed to enter and exit through these doors. Ofc. Dotson informed me that he would not follow the order to allow pretrial employees through these doors because I was ordering him to violate policy. When Ofc. Dotson informed me that he would not allow pretrial employees access through records I had him reassigned to exterior control for the remainder of the shift. Samantha Ravenscroft then provided me with a copy of an email from Chief of Staff Clark dated 7/19/2012 which states "Effective today and until further notice pretrial staff are allowed to access the booking floor for work purposes by way of records office."

Policy 03-2.04, Security Doors, states "Security perimeter doors and fire perimeter doors of the facilities shall remain closed and in the locked position unless being utilized or otherwise authorized by the Captain or above." Policy 03-2.04 gives captains and above authority to authorize the use of security doors.

**Preparer's Name: Captain Darrell Goodlett**

FILED APR 15 2013

Continuation of violation description:

Recommended Action: (Choose One)

- Verbal (Not entitled to a hearing) *(JWS)*
- Written (Not entitled to a hearing)
- Suspension \_\_\_\_\_ Days
- Demotion
- Termination

Hearing Requested:  Yes  No  
(Teamster & AFSME only)

*Paul A #401* 4-2-13  
Employee Signature & Date:

*T. Deering* 4-2-13  
Union Steward/Witness & Date:

*Capt. Goodlett* 4-2-13  
Issuing Supervisor's Printed Name Date

*Capt. Goodlett* 4-2-13  
Issuing Supervisor's Signature Date

Hearing Results

Results of the Board: (If applicable)

- Sustained
- Dismissed
- Referred to Counseling
- Reduced to: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Union Representative's Signature: \_\_\_\_\_

Board Chairman's Signature: \_\_\_\_\_

For Human Resources Use Only:

- Enter in the computer
- Letter supplied to supervisor after the hearing
- Suspension scheduled
- Metro Human Resource Consulted on suspensions and/or EAP referral
- Copy of final disposition to personnel file
- Copy placed in employee's file

# FRATERNAL ORDER OF POLICE

Louisville Metro Department of Corrections Lodge 77

METRO CORRECTIONS

MAR 27 2013

DIRECTOR'S OFFICE

## GRIEVANCE/COMPLAINT FORM

Name: Tracy D Dotson

Date: 3-27-13

Assignment: 11-7 NSC

Date of Complaint: 3-27-13

### Grievance / Complaint:

On 3-27-13, I was working my bidded post of Main Control at the NSC, 11-7 shift. A civilian staff member made a complaint to my supervisor that I would not allow her to use the ID Lab/Booking Floor entrance doors as a short cut from the booking floor to the public side area. Policy 03-2.02, II.3, Access to Records, Property and I.D. Lab forbids this action. Capt Goodlet escorted the civilian through the entrance, pulling the posted policy governing its use off the wall in the process. This can be seen on DVR #4, camera C115 at 0206 hrs on 3-27-13.

Capt Goodlet then called me to a meeting in the Booking Floor Sgt office where he admonished me for not allowing the civilian to cut through Records. I explained to Capt Goodlet that Dept policy forbade this action. Capt Goodlet then ordered me to disregard the policy and allow staff to use the ID Lab/Booking Floor as a short cut to the public side. I informed Capt Goodlet that I will not violate Dept policy in my duties as a Main Control Officer. Capt Goodlet then relieved me of my Main Control duties and re-assigned me to Outer Control.

Officers/Sergeants contract Article 8, section 2. forbids changes in policies, operating procedures, rules and regulations until it has been posted in all departments for a period of 10 days and a copy given to the FOP.

RESOLUTION REQUESTED: Capt Goodlet be given a letter of counsel regarding his actions.

Your Signature: [Signature] #401 Date: 3-27-13

Steward's Signature: [Signature] ASST Deputy Date: 3-27-13

Grievance Timely: Yes  No  Supervisor's Signature: \_\_\_\_\_

### Resolution By Supervisor:

FILED APR 15 2013

Griever: Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_

Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Personnel

# FRATERNAL ORDER OF POLICE

Louisville Metro Department of Corrections Lodge 77

METRO CORRECTIONS

## GRIEVANCE/COMPLAINT FORM

MAR 27 2013

DIRECTOR'S OFFICE

Name: Tracy D Dotson

Date: 3-27-13

Assignment: 11-7 NSC

Date of Complaint: 3-27-13

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Officers/Sergeants contract Article 8, section 2. forbids changes in policies, operating procedures, rules and regulations until it has been posted in all departments for a period of 10 days and a copy given to the FOP.

RESOLUTION REQUESTED: Capt Goodlet be given a letter of counsel regarding his actions.

Your Signature: Tom I Lee #401 Date: 3-27-13

Steward's Signature: [Signature] #512 D Deary Date: 3-27-13

Grievance Timely: Yes  No  Supervisor's Signature: [Signature]

### Resolution By Supervisor:

See Attached

FILED APR 15 2013

Griever: Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_

Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Officer Dotson,

I've reviewed your grievance filled on March 27, 2013 in reference to Policy 03.02.02 III 3. This has been an ongoing issue and was addressed by Mr. Clark on July 19, 2012 allowing pre-trial access to the booking via records. Pre-trial currently uses this entrances and has used it before you were awarded your bid to main on control 12/4/11. I'm not sure why you decided to take it upon yourself to challenge this process last night. You were also giving clear instruction by the shift Commander and decide to challenge that as well.

**Grievance Resolution**

The policy will be updated to reflect Mr. Clark's directive

Captain Goodlett was within his authority as Captain and no action will be taken

FILED APR 15 2013



# Louisville Corrections Fraternal Order Of Police Lodge 77

## Grievance/Complaint Form

Name: Ofc Tracy D. Dotsen

Date: 9, 8, 11

Shift: 11-7 Assignment: CCC

Date Of Incident: 9, 7, 11

Grievance/Complaint:

The last week of August, 2011, Ofc K Mays came to me as his FOP Representative to ask questions about a DAN he had received and receive guidance about further steps he could take as regards the FOP. After receiving my counsel, Ofc Mays made a written EEOC complaint to Dir Bolton against Maj Butler. On 9-7-11, I received a phone call at 0600 from Capt Thompson, ordering me to do a written report on my conversation with Ofc Mays. A conversation which took place in my official role as an FOP Representative for Lodge 77. Article 21 of my CBA forbids discrimination against FOP members engaging in FOP activities. Capt Thompson's order to me to divulge information between a member and his FOP rep is a violation of Requested Resolution: Lodge 77's CBA.

My original incident report be returned to me and all copies destroyed. The LMOC

notify me + current Lodge 77 President their recognition that official FOP business is confidential and privileged. In writing, on LMOC letterhead.

Grievant Signature: [Signature]

Date: 9, 8, 11

F.O.P. Representative Signature: [Signature]

Date: 9/8/2011

Grievance Timely: Yes  No  Supervisors Signature: [Signature]

Resolution By Supervisor: There is no EEOC complaint on file by

Director Bolton's office, a review by LMOC HR Director T. Anderson.

Grievant: Appeal Resolution

Accept Resolution

Initials [Initials]

F.O.P. Representative: Initials [Initials]

Date: 1/1

Copies To: Lodge Secretary  
Department Administration  
F.O.P. Representative  
Grievant







LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

MARK E. BOLTON  
DIRECTOR

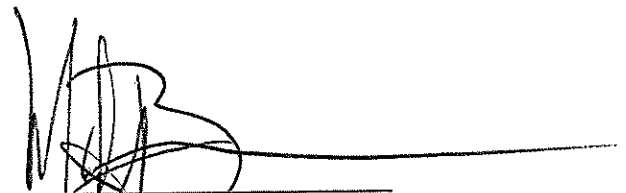
**Officer Tracy Dotson  
Response to FOP Grievance  
November 10 2010**

After careful review of all the facts of this grievance, I found the claim of discrimination is unsubstantiated.

The current FOP Contractual Bargaining Agreement addresses the standardized discipline process in Article 14. Any changes would be through contractual agreement of all parties.

As previously addressed in my letter to Ms. Sharp on October 18, 2010, the final decision of your DAN issued was amended to a written reprimand on September 30, 2010 and according to the FOP Collective Bargaining Agreement, Article 14 provides that a member may grieve a suspension, demotion or dismissal, however, this grievance cannot be grieved as it is a written reprimand.

Grievance is denied.



Mark E. Bolton, Director

11/10/10

Cc: Officer Anthony Harris, FOP President



# Louisville Corrections Fraternal Order Of Police Lodge 77

90-004 07-33-70

## Grievance/Complaint Form

Name: Ofc Tracy D Dotson #401 Date: 11 / 04 / 10  
 Shift: 11-7 Assignment: CCC Security Date Of Incident: 10 / 29 / 10

Grievance/Complaint:

On 10-29-10 I received an e-mail notifying me of a Disciplinary Action Notice (DAN) being entered into my personnel file. This DAN was issued to me by order of Capt D Thompson, signed by Maj C Butler, and unsuccessfully appealed to Deputy Dir K Bingham. Research conducted by myself and FOP Legal Counsel has revealed that female staff subjected to the above mentioned female Command Staff has, on a regular basis, received less severe, and in some cases, no discipline for committing the same policy violations as I have, a male staff member. The gender discrimination being practiced by the above mentioned Command Staff is in direct violation of Officers/Sergeants contract articles 3, 14, 16, and 21 as well as KRS 344.045, 336.700, 336.130(2), as well as established EEOC policies/laws.

Requested Resolution:

a standardized disciplinary process with specified sanctions for specified policy violations to ensure fairness in the disciplinary process for FOP members and a reduction of my above mentioned discipline.

Grievant Signature: Tracy D Dotson #401 Date: 11 / 4 / 10

F.O.P. Representative Signature: George Marley Date: 11 / 4 / 10

Grievance Timely: Yes  No  Supervisors Signature: \_\_\_\_\_

Resolution By Supervisor: \_\_\_\_\_

Grievant: Appeal Resolution  Accept Resolution  Initials \_\_\_\_\_

F.O.P. Representative: Initials \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Copies To: Lodge Secretary  
 Department Administration  
 F.O.P. Representative  
 Grievant



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

MARK E. BOLTON  
DIRECTOR

October 18, 2010

Ms. Mary W. Sharp

[REDACTED]  
Louisville, KY 40203

RE: Grievance of Tracy Dotson

Dear Ms. Sharp:

Pursuant to your letter of October 1, 2010 and our subsequent meeting of October 11, 2010 regarding a written reprimand issued to Officer Tracy Dotson, be advised of the following:

Officer Dotson received notification of a recommendation of a one-day suspension for directing abusive language to a fellow employee on August 26, 2010. Your client requested a meeting with Deputy Director Bingham to discuss the recommendation. After meeting with you and Officer Dotson, Ms. Bingham issued a written reprimand on September 30, 2010. Subsequently, you filed a grievance on Officer Dotson's behalf regarding the written reprimand. Contrary to Officer Dotson's apparent belief, the written reprimand was not an offer, conditioned upon your client's acceptance. It was a final decision of this office.

The Collective Bargaining Agreement, Article 14 provides that a member may grieve a suspension, a demotion or dismissal. The recommended one-day suspension was neither imposed nor served. The grievance is denied because it concerns a matter not grievable under the CBA.

As always, I am open to meet with you and Officer Dotson should you require additional dialog.

Sincerely,

  
Mark E. Bolton  
Director

/klb

Cc Paul Guagliardo, County Attorney  
Steve Durham, County Attorney  
Officer Tracy Dotson  
Officer Tony Harris, FOP President  
~~Personnel file~~



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS


JERRY E. ABRAMSON  
MAYOR

MARK E. BOLTON  
DIRECTOR

**Officer Tracy Dotson  
Response to FOP Grievance  
March 1, 2010**

I have reviewed your grievance of February 18, 2010 and I am willing to sit down with you one-on-one and discuss your complaints and concerns.

Please contact Karen Beaven at your earliest convenience to set up our discussion.



Mark E. Bolton, Director

3/1/2010

2-18-10



## Rebuttal to FOP Grievance

On 2-15-10 I received Dep Dir Bingham's denial of the attached FOP grievance. I am appealing Dep Dir Bingham's denial for the following reasons:

1. The denial only stated the actions of Maj Butler as it's basis. Dep Dir Bingham did not address why the action was taken in the way that it took place. The substance of the complaint was HOW Maj Butler handled the investigation, not the investigation itself.
2. Dep Dir Bingham forwarded my grievance to Capt D Thompson to handle at the unit level. Due to the Chain of Command, I do not think it is appropriate, nor sound policy, to allow a Captain to be involved in the decision making process of a grievance filed against a Major.

In addition to the above, I am amending my requested resolution. I would like a copy of any emails sent to/from either Lt Carla Rowe or Officer Kelvin Matthews to/from Maj Butler concerning this incident.

Ofc Tracy D Dotson #401

Handwritten signature of Tracy D Dotson.

19-2-F10-217-119

ENTERED  
2/23/10  
pm

GRIEVANT SETTLEMENT  
REGARDING OFFICER TRACY DOTSON

The parties, Louisville Metro Department of Corrections ("Corrections") and Grievant Tracy Dotson, through counsel, on February 22, 2010, have hereby reached an agreement concerning the Disciplinary Action taken on March 30, 2009 against Officer Tracy Dotson. Grievant Dotson agrees to withdraw his grievance in consideration for a reduction in discipline from the three day suspension and transfer to CCC to a written reprimand. Grievant Dotson's written reprimand is based solely on the undisputed actions and violation described below:

On January 13, 2009, while working the Booking floor, you relieved Officer Aubry for break in rear security. Upon your own admission, before departing the post, you turned back and stated, "you forgot your keys fag" and tossed the keys at him. Your actions were a direct violation of the policy 03-2.05 Departmental Key Control Usage, which states that "keys shall be exchanged hand-to-hand, never tossed." You were also in violation of 01-3.02 Employee Code of Ethics and Conduct. Your behavior was unacceptable and your conduct was unbecoming of an officer. Policy states that personnel shall conduct themselves with co-workers in a respectful courteous manner.

This written reprimand will not be considered against Grievant Dotson regarding any job promotions for with he may be eligible, but the written reprimand may be used for the purpose of progressive discipline against Grievant Dotson, if future infractions occur.

Grievant Dotson is no longer restricted from bidding for any position at Corrections.

Corrections has 15 days to issue payment to Grievant Dotson for back pay of the three day suspension he experienced in 2009 at his rate of pay as of March 30, 2009.

This agreement is non-binding and has no precedential value on future negotiations between the Grievant Dotson and Corrections. This agreement is also non-binding and has no precedential value on future negotiations, grievances, or litigation between the Louisville Corrections Fraternal Order of Police Lodge #77 and Corrections.

*- Payroll changed SUS unpaid to excused absence paid*

*EAW - pdw/E 2/26/10*

ENTERED

**GRIEVANT SETTLEMENT  
REGARDING OFFICER TRACY DOTSON  
(Signature Page)**

**SEEN AND AGREED TO BY:**

Tracy Dotson #401  
Officer Tracy Dotson, Grievant

Mary W. Sharp  
Mary W. Sharp  
Counsel for Grievant and FOP

[Signature] #577  
Louisville Corrections Fraternal Order of Police Lodge #77

Dwayne A. Clark  
Deputy Director Dwayne Clark  
Louisville Metro Department of Corrections

Sarah J. Martin  
Sarah J. Martin  
Assistant Jefferson County Attorney

*Patty, these 3 days of SU will need to be paid to her per this griev. settlement. Return to me when complete. Thank you*





LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

MARK E. BOLTON  
DIRECTOR

**Officer Tracy Dotson  
Response to FOP Grievance  
February 11, 2010**

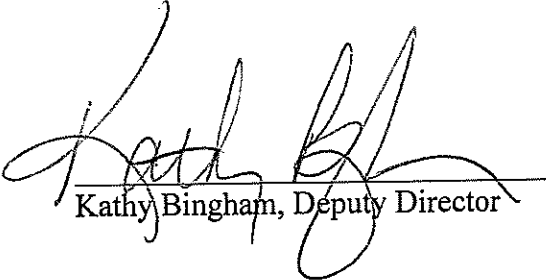
I have received your grievance of February 9, 2010 and have reviewed the facts.

Major Butler was following up on an appeal received from the inmate. She was not conducting an investigation. She merely requested additional information for the appeal.

I am forwarding to Captain Thompson to address at the unit captain level for follow-up.

No violation of the contractual agreement.

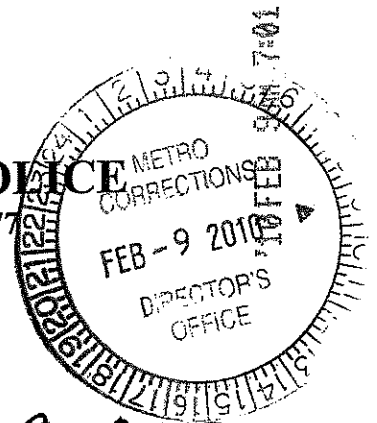
Grievance denied.

  
Kathy Bingham, Deputy Director

2/11/10



**FRATERNAL ORDER OF POLICE**  
Louisville Metro Corrections Department - Lodge 77



**GRIEVANCE/COMPLAINT FORM**

Name: Tracy D Dotson #401 Date: 2-9-2010

Assignment: CCC 11-7 Security Date of Complaint: 2-9-2010

**Grievance/Complaint:** On 1-26-10 I was involved in an incident with a disruptive inmate. The Incident Report is attached. On 2-4-10 at the CCC 11-7 roll call, Lt Carla Rowe slipped Ofc Kelvin Matthews a note with questions pertaining to the 1-26-10 incident with instructions to email Maj Butler the answers.

Lt Carla Rowe is not the 11-7 shift commander. Ofc Matthews was the only African-American staff member involved in the incident. None of the Caucasian Staff members involved in the incident were questioned, including the Supervisor. I believe the investigation of this incident by Maj Butler is motivated by race and is a violation of Article 21 of the Officers / Sergeants Contract.

Your Signature: [Signature] #401 Date: 2-9-2010

Steward's Signature Angela Sparks Date: 2-9-2010

Grievance Timely: Yes  No  Supervisor's Signature: \_\_\_\_\_

I would like a mediation set up with Maj Butler and the Director of Corrections to address this issue and discuss measures for future prevention of discriminatory acts against me.

**Resolution By Supervisor:**

Griever: Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_

Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Copies To: Department, Steward, Grievant, FOP Committee

\_\_\_\_\_

1942

1943

The following is a list of the names of the persons who were members of the organization during the year 1942. The names are listed in alphabetical order.

---

1. [Name] 2. [Name] 3. [Name] 4. [Name] 5. [Name] 6. [Name] 7. [Name] 8. [Name] 9. [Name] 10. [Name] 11. [Name] 12. [Name] 13. [Name] 14. [Name] 15. [Name] 16. [Name] 17. [Name] 18. [Name] 19. [Name] 20. [Name] 21. [Name] 22. [Name] 23. [Name] 24. [Name] 25. [Name] 26. [Name] 27. [Name] 28. [Name] 29. [Name] 30. [Name] 31. [Name] 32. [Name] 33. [Name] 34. [Name] 35. [Name] 36. [Name] 37. [Name] 38. [Name] 39. [Name] 40. [Name] 41. [Name] 42. [Name] 43. [Name] 44. [Name] 45. [Name] 46. [Name] 47. [Name] 48. [Name] 49. [Name] 50. [Name] 51. [Name] 52. [Name] 53. [Name] 54. [Name] 55. [Name] 56. [Name] 57. [Name] 58. [Name] 59. [Name] 60. [Name] 61. [Name] 62. [Name] 63. [Name] 64. [Name] 65. [Name] 66. [Name] 67. [Name] 68. [Name] 69. [Name] 70. [Name] 71. [Name] 72. [Name] 73. [Name] 74. [Name] 75. [Name] 76. [Name] 77. [Name] 78. [Name] 79. [Name] 80. [Name] 81. [Name] 82. [Name] 83. [Name] 84. [Name] 85. [Name] 86. [Name] 87. [Name] 88. [Name] 89. [Name] 90. [Name] 91. [Name] 92. [Name] 93. [Name] 94. [Name] 95. [Name] 96. [Name] 97. [Name] 98. [Name] 99. [Name] 100. [Name]

The names of the persons who were members of the organization during the year 1943 are listed in alphabetical order.

# LOUISVILLE METRO DEPT. OF CORRECTIONS

## Incident Report

Incident #: 2010000304

Incident Dt/Tm: 01-26-2010 0205

Incident Type Code: 111 Behavior which disrupts  
Additional Code 2 : 109 Refusing to obey staff  
Additional Code 3 : 107 Using abusive language

### Participants:

Name (L,F,M,S):	CIN/Book #	Facility	Fir	Wng	Drn	Bed	Inv
CARR, TREMAIN L.	408084 / 2009042123						

### Incident Occurred:

Fac: [REDACTED]

Fir: [REDACTED]

Wng:

Location: [REDACTED]

Officer: WCASE, CASE

Submitted Dt/Tm: 01-26-2010 0424

Update By: CROWE, ROWE

Update Dt/Tm: 01-26-2010 0628

Supervisor: CROWE, ROWE

Approval Dt/Tm: 01-26-2010 0627

Use of force? Y

CS Assault? N

Inmate Assault? N

Contraband? N

Facility Damage? N

Disciplinary? Y

Hearing Required? N

Charges Filed?

### Action Taken:

### Approval Action:

Inmate being disruptive in dorm [REDACTED] Officers responded because they thought inmates were fighting. inmate pulled and placed in visiting booth after being handcuffed due to his behavior.

Under Investigation? N

Officer:

Date: 00-00-0000 0000

LOUISVILLE METRO DEPT. OF CORRECTIONS

Incident Report

Incident Information:

Entry Dt/Tm: 01-26-2010 0407

Entered By: TDDOTSON, DOTSON

Update Dt/Tm:

Updated By:

Approved Dt/Tm: 01-26-2010 0628

Approved By: CROWE, ROWE

On the above date at approx 0200 I was working CCC, [REDACTED] I heard an inmate screaming my name over and over coming from my walk. The screaming attracted the attention of 2 other Officers (Ofc K Matthews and Ofc A Hutchins) and the Sgt (Sgt Case). Due to the intensity of the screaming, we all believed an inmate fight was taking place and ran to the scene. When we arrived at dorm [REDACTED] we found I/M Carr T. #408084 in the window. He stated that he needed a sleeping boat for the floor. We had I/M Carr step out of the dorm. I attempted to explain to him that he was causing a disturbance and that it posed a danger to staff to respond to what we thought was an emergency. I'M Carr was belligerent and did not want to hear anything I said to him. He became loud and was waving his hands so i handcuffed him for Officer safety and secured him in attorney booth #4 until a disciplinary form could be completed. While secured in the attorney booth, I/M Carr continuously yelled obscenities at staff. I/M Carr kept telling me that he was going to file a complaint and a lawsuit for "excessive force". I/M Carr's disciplinary was completed and he was escorted to intake by Ofc Hawkins with no further incident.-----END OF REPORT

OFC T DOTSON #401

Entry Dt/Tm: 01-26-2010 0424

Entered By: WCASE, CASE

Update Dt/Tm:

Updated By:

Approved Dt/Tm: 01-26-2010 0628

Approved By: CROWE, ROWE

I was called to [REDACTED] at CCC due to an inmate being disruptive. When I arrived inmate Carr, Tremain #408084 was being placed in [REDACTED] by Officer Tracy Dotson. Officers Kelvin Matthews and Amanda Hutchins were also at the booth. I heard inmate Carr being beligerent towards Ofc. Dotson while in the booth. Ofc. Dotson handcuffed the inmate for his safety and the other Officers who were present due to this inmates behavior. The inmate did not do as Ofc. Dotson instructed him to do during him being handcuffed and kept trying to say it was hurting his arms. This inmate kept being beligerent towards the Officers while waiting to return to the Jail Complex. Ofc. Dotson wrote the inmate up for disciplinary and was sent back to the Jail Complex. Classification Clerk Barbara Trammell was notified for a housing location on the movelist for the inmate. Lt. Charles Rowe notified of the situation. End of report.

# LOUISVILLE METRO DEPT. OF CORRECTIONS

## Incident Report

### Incident Information:

**Entry Dt/Tm:** 01-26-2010 0431

**Entered By:** KMATTHEWS, MATTHEWS

**Update Dt/Tm:**

**Updated By:**

**Approved Dt/Tm:** 01-26-2010 0628

**Approved By:** CROWE, ROWE

At the above date and time, I Officer Kelvin Matthews heard a loud voice coming from 3south yelling for Officer Dotson. The pitch of the voice was loud enough to think there was an altercation inside the dorm. I immediately lock my doors on the north side, and went to see what was going on. Turning the corner heading towards [REDACTED] I saw Officer Dotson at the door of [REDACTED]. Upon my approach, Officer Dotson ask the Inmate to step out of the dorm, we led the inmate away from the dorm to talk to him. He then became beligerent, and angry.

Officer Dotson ask the inmate to step into the South side holding cell, and told the inmate to put his hands behind his back to apply hand-restraints. The inmate struggled as Officer Dotson applied the restraints. The restraints were applied without incident.

**Entry Dt/Tm:** 01-26-2010 0512

**Entered By:** MSANDERS, SANDERS

**Update Dt/Tm:**

**Updated By:**

**Approved Dt/Tm:** 01-26-2010 0628

**Approved By:** CROWE, ROWE



**Entry Dt/Tm:** 01-26-2010 0616

**Entered By:** AHUTCHINS, HUTCHINS

**Update Dt/Tm:**

**Updated By:**

**Approved Dt/Tm:** 01-26-2010 0628

**Approved By:** CROWE, ROWE

I Ofc. A. Hutchins returned at approx 0200 hrs. from break and entered into [REDACTED] security and saw Ofc. T. Dotson and Ofc. K. Matthews talking with inmate Carr, Tremain #408084. Inmate Carr was being very disruptive and not cooperating. Ofc. T. Dotson asked the inmate to place his hands on the wall and while trying to put him in restraints he was moving around and making it difficult for the officer to apply the restraints. After being put in restraints he was placed in attorney booth #4.

End of Report.

Ofc. A. Hutchins #633



**FRATERNAL ORDER OF POLICE**  
Louisville Metro Corrections Department – Lodge 77

**GRIEVANCE/COMPLAINT FORM**



Name: Tracy D Dotson #401

Date: 9-21-09

Assignment: CCC-11-7 Security Date of Complaint: 9-21-09

**Grievance/Complaint:** I am an FOP Union Representative, I assist and represent members with grievances. Several weeks ago I filed 2 grievances on behalf of 11-7 BA Lab Operators. This was the last week of August, 2009. These grievances were filed with Dep Dir Dewayne Clark. Mr. Clark has not responded to these grievances in any way despite my attempts to move the process along. Article 16, Section 4 of Officers/Sergeants FOP Contract gives clear and affirming time limits for responding to FOP grievances and Mr. Clark is not abiding by the Contract that was agreed upon by Metro Govt & FOP Lodge 77.

Your Signature: [Signature] #401 Date: 9-21-09

Steward's Signature: Angela Sprinks #530 Date: 9-21-09

Grievance Timely: Yes  No  Supervisor's Signature: \_\_\_\_\_

**Resolution By Supervisor:**

*Deputy Director Clark reports he was indeed late in his response and he has been counseled on timeliness. He has discussed this with Chief Steward Jerry Bolton and President Tony Harris pursuant to the attached E.Mails, as it relates to the grievance itself, I concur with*  
Griever: \_\_\_\_\_ Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_ Deputy Clark is  
Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

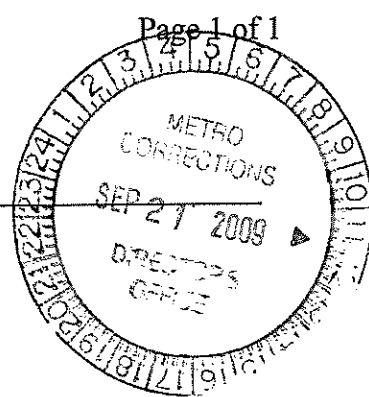
Copies To: Department, Steward, Grievant, FOP Committee

*That I do not understand how you feel the contract and associated language was violated as it pertains to you. I am willing to discuss in more detail and in person if you wish*

resolution requested: \_\_\_\_\_

I would like an email sent to all command staff that states all issues with grievances and the filing of grievances will be followed according to the Officers/Sergeants FOP Contract. I would like a copy of this email sent to me. I also still need the 11-7 BA Lab grievances answered and returned to me.

*[Signature]*  
9-30-09



**Dotson, Tracy D**

**From:** Bolton, Jerry  
**Sent:** Thursday, September 10, 2009 11:13 PM  
**To:** Dotson, Tracy D  
**Subject:** Re:

Ok

---

**From:** Dotson, Tracy D  
**To:** Bolton, Jerry  
**Sent:** Thu Sep 10 23:11:44 2009  
**Subject:** RE:

Hmmmm. Sounds good, thanks jerry.

-td

---

**From:** Bolton, Jerry  
**Sent:** Thursday, September 10, 2009 4:44 PM  
**To:** Dotson, Tracy D  
**Subject:** Re:

I spoke to Mr.Clark today about grievances he said he would have your answer in a few days.I told him that his time was up and said he was sorry for taken to long but he would get right on it

---

**From:** Dotson, Tracy D  
**To:** Bolton, Jerry  
**Sent:** Thu Sep 10 03:57:04 2009  
**Subject:**

i still haven't received any word from clark on the grievances that were filed by the 11-7 BA officers, and he's past the time limit to provide an answer. Can you check the status of those for me?

-td





LOUISVILLE, KENTUCKY  
DEPARTMENT OF HUMAN RESOURCES

JERRY E. ABRAMSON  
MAYOR

WILLIAM J. HORNIG  
DIRECTOR

June 24, 2009

Mary Sharp, PLLC  
[REDACTED]

Louisville, KY 40203

Re: Louisville Corrections, FOP Lodge 77  
Tracy Dotson Grievance – Suspension, Transfer and Bidding Restriction

Dear Mary,

On May 27, 2009, I met with you, Tracy Dotson and Jennifer Maupin of my office to discuss Officer Dotson's grievance at the Mayor's level. I am the Mayor's designee.

You stated that the grievance involved a discipline received on April 1, 2009. The incident occurred on January 13, 2009 when Officer Dotson tossed a set of keys to Officer Aubrey and stated, "You forgot your keys fag." The DAN indicated Cpt. Chapman stated Officer Dotson intentionally bumped into him as he walked onto the booking floor. Based on this information, Officer Doston was cited for violating the following policies:

- 1-3.06 Harassment
- 1-3.02 Employee Code of Ethics and Conduct

The DAN lists the discipline as 3 days of suspension, re-assignment to CCC on third shift and restriction from bidding to the new jail complex for one year.

It is your argument that Officers Dotson and Aubrey have been best friends for eight years and that Officer Dotson's comment to him was not intended to be harassment. You feel that it was taken out of context and the incident has been blown out of proportion.

You further stated the bump into Cpt. Chapman did not occur. It is your argument that it is Cpt. Chapman's word against Officer Dotson's as there were no witnesses to the incident.

You stated that this DAN was an additional discipline to the transfer that had already taken place as a result of a mediation agreement. On January 15, 2009, you stated that you, along with Officer Dotson, met with Deputy Director Laura McKune, Lt. Ezell and Cpt. Chapman to discuss this entire incident along with some other issues. It is your contention that the outcome was to transfer Officer Doston to CCC in order to eliminate any further issues. You argue that the discipline given April 1, 2209 was in addition to the agreed upon transfer to resolve the matter.

During the meeting, you explained that Officer Aubrey had originally typed out an email describing the incident. Officer Dotson contends that Cpt. Chapman had Officer Aubrey re-write the statement per his instructions. You also provided an email that Officer Aubrey sent to Officer Dotson dated March 25, 2009. In this email, he addressed the situation and that he heard they were "trying to make a bigger deal about this than what is really is." He further explained his reason for initially approaching Sgt. Meredith about Officer Dotson's behavior. He stated he "was tired of it and just wanted to change it."

Deputy Director Clark stated that the mediation was a result of Officer Dotson's harassment claim which pre-dated the incident with Officer Aubrey. The mediation addressed issues about tension and other issues that transpired before the incident with Officer Aubrey. He stated that there had been tension arising between Officer Dotson and the night shift command, to include Cpt. Chapman.

Deputy Director Clark also stated that Officer Dotson was moved to CCC administratively while the investigation into the incident with Officer Aubrey took place. He further explained that he gave Officer Dotson the benefit of the doubt in regards to the "body check" with Cpt. Chapman and the three day suspension was discipline was based solely on his inappropriate behavior towards Officer Aubrey. In regards to the reassignment to CCC and the restriction on bidding to the new jail complex for one year, he said that was a justified administrative decision. Deputy Director Clark further explained that the move and restriction would not prevent Officer Dotson from bidding on any posted position at CCC.

I have reviewed all the information provided. Per Article 11, Section 2 pertaining to Transfers:

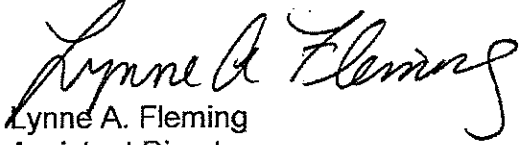
*"Members shall be notified by the Director of an intended involuntary transfer or duty assignment by seven (7) days written notice."*

By virtue of the language in the section, Management has a right to transfer an employee and restrict them from bidding back to the original duty location.

Officer Dotson's comments were extremely derogatory and not appropriate in the workplace even in a "joking" manner. Regardless of his intentions, it was the perception that made his remarks harassing and offensive.

Based on the information presented, I find that the disciplinary and administrative actions were justified. The grievance is denied.

Sincerely,

A handwritten signature in cursive script that reads "Lynne A. Fleming". The signature is written in dark ink and is positioned above the printed name and title.

Lynne A. Fleming  
Assistant Director

CC: William Summers IV  
William Hornig  
Mark Bolton



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

MARK E. BOLTON  
DIRECTOR

April 30, 2009

Ms. Mary Sharp, Attorney at Law

[REDACTED]  
Louisville, KY 40203

Dear Ms. Sharp:

I have reviewed your position that is the subject of your step one grievance letter dated April 15, i.e., the three day suspension and bidding prohibition issued to Tracy Dotson. Per our discussion, the department offered to reduce Mr. Dotson's suspension from three to one day with the condition to maintain the prohibition from bidding to the Jail Complex for one year.

You reported back to me that this offer was unacceptable. Therefore, the grievance is denied.

Sincerely,

Mark E. Bolton  
Director

Cc: Metro Human Resources  
Anthony Harris, FOP President  
~~Personnel File~~



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

MARK E. BOLTON  
DIRECTOR

TO: Officer Tracy Dotson  
Metro Corrections

FROM: Mark E. Bolton, Director  
Metro Corrections

RE: Grievance Appeal

DATE: January 15, 2009

I am in receipt of your appeal to a grievance which was originally filed on 12-25-08 and responded to by Major Dietz on 12-30-08.

Although you note several reasons as to why you disagree with Major Dietz's findings, you do not include the resolution that you are seeking. However, in an effort to resolve all of the noted concerns, Deputy McKune has advised that she had previously scheduled an internal mediation hearing on Thursday, January 15, 2009. In addition, an internal investigation will be conducted.

Should you have any additional concerns regarding this matter, please feel free to contact me.

/klb

Cc: Deputy Director Laura McKune  
~~File~~



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR


MARK E. BOLTON  
DIRECTOR

## Response to FOP Grievance December 30, 2008

There is nothing to suggest that Article 21 was violated by any statements made by Lt. Bethel. You have failed to demonstrate how Lt. Bethel's comments have created a hostile work environment. The mere fact that Lt. Bethel stated that he was going to enforce policy does not create a hostile environment for you nor does it have any bearing on your relationship with your co-workers. Policy should be enforced.

Since you state that you feel your working environment with your co-workers is hostile, you are being given the opportunity to be re-assigned to CCC third shift with the same off days. This offer should not be construed as wrongdoing or improper conduct by Lt. Bethel but to afford you the opportunity to be removed from what you perceive to be a hostile work environment.

Grievance is denied.

  
Major Robert Dietz

12/30/08



LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

TOM D. CAMPBELL  
DIRECTOR



**FRATERNAL ORDER OF POLICE**  
Louisville Metro Corrections Department - Lodge 77

DEC 29 2008

**GRIEVANCE/COMPLAINT FORM**

Name: T. Datsen #401 Date: 12-25-08

Assignment: SI Backing Date of Complaint: 12-25-08

Grievance/Complaint:

On 12-24-08 at approx 0645 I approached Lt Bethel about senior officers being pulled to work ccc to cover furloughs. I said officers were going to file grievances if less senior people weren't pulled first. Lt Bethel said if he gets any grievances he will start strictly enforcing policy. 12-24-08 at 2300 roll call Lt Bethel announced to the ~~shift~~ shift that if we were going to enforce the contract he was going to strictly enforce policy, implying that he would write people up for filing grievances. Then he said my name and said it was because I brought this issue to him. Lt Bethel has made my working ~~the~~ the would said it working ↓

Your Signature: Tracy J Mc #401 Date: 12-25-08

Steward's Signature: Keri Wright Date: 12-25-08

Grievance Timely: Yes  No  Supervisor's Signature: \_\_\_\_\_

Resolution By Supervisor:

See attached

Griever: \_\_\_\_\_ Appeal Resolution:  Accept Resolution:  Initials: \_\_\_\_\_

Steward: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Copies To: Department, Steward, Grievant, FOP Committee

25-12 FOR AM 1:56

↑ environment hostile, trying to turn my shift against me. His actions violate article 21, Lodge 77 contract, dealing with FOP activities.





LOUISVILLE, KENTUCKY

LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

JERRY E. ABRAMSON  
MAYOR

TOM D. CAMPBELL  
DIRECTOR

## ARTICLE 11 GRIEVANCE PROCEDURE

Section 1 Any complaint or dispute concerning wages, hours or any other conditions of employment, or any dispute involving the interpretation or application of any of the provisions of this Agreement, shall constitute a grievance within the meaning of this Agreement. A member filing a grievance shall be allowed Lodge representation consisting of one (1) person on the Lodge Committee at all grievance meetings and/or legal counsel at mediation and arbitration level. The following rules for the presentation and solution of grievances or requests are prescribed:

- a. A non-disciplinary grievance shall be brought to the attention of the member's immediate supervisor within ten (10) days from the time circumstances giving rise to the grievance occur. If not resolved at this level within seven (7) days, the member or Lodge may reduce the non-disciplinary grievance to writing and refer same to the Director's Office within seven (7) days.
- b. Any disciplinary grievance shall be reduced to writing and brought to the attention of the Director's Office within seven (7) days of the effective date of said discipline. If the grievance is not resolved at the Director's Office level within fourteen (14) days or as mutually extended by agreement, the member or the Lodge may appeal directly to the Mayor or his designee within seven (7) days, and receive a decision from the Mayor or his designee within fourteen (14) days or as mutually extended by agreement.
- c. In the event the Mayor's or Mayor's designee's decision does not resolve the grievance, the member or the Lodge may request advisory mediation. The mediator shall be selected by the Louisville Labor-Management

Committee or U.S. Federal Mediation and Conciliation Service, Louisville Office.

d. In the event the Mayor's or Mayor's designee's decision, or mediation, if utilized, does not resolve the grievance, the member or the Lodge may request advisory arbitration within seven (7) days of receipt of the Mayor's/designee's decision or unsuccessful mediation by notifying Metro Government and the Department of its intention to proceed to advisory arbitration. Such notice of intent to proceed must be accompanied by an explanation setting forth the reason(s) why the decision of the Mayor or designee is unacceptable. At the same time the Lodge notifies Metro Government and the Department of its intention to proceed to arbitration, it shall mail to the Louisville Labor-Management Committee its notice of intention to proceed to advisory arbitration and request submission of a list of arbitrators. An arbitrator shall be selected by each party alternately scratching a name from the panel submitted by the Louisville Labor-Management Committee with the Lodge having the right to strike first. The parties shall meet for the purpose of scratching names from the panel within fourteen (14) days of receipt by both parties of the panel from which an arbitrator is to be selected.

Section 2 - The expenses, wages and other compensation of any witness called before the arbitrator shall be borne by the party calling such witnesses. Other expenses incurred, such as wages of participants, preparation of briefs and data to be presented to the arbitrator shall be borne separately by the respective parties.

The arbitrator's fees and expenses and the cost of any hearing room shall be borne equally by each party.

**ARBITRATION AWARD**  
In the matter of arbitration between

**LOUISVILLE/JEFFERSON COUNTY  
METRO GOVERNMENT**

**AND**

**LOUISVILLE CORRECTIONS  
FRATERNAL ORDER OF POLICE,  
LODGE NO. 77**

Tracy Dotson Discharge

**APPEARANCES FOR THE EMPLOYER**

Stephanie Harris  
Rueben Hawkins  
Jerry Collins

Tom Campbell  
Chris Chapman  
Robert Dietz

Bonnie Minter  
Arthur Eggers  
Kevin Sidebottom

**APPEARANCES FOR THE UNION**

Mary Sharp  
George Manley

Tracy Dotson  
Alex Payne

Joe Murray

**ARBITRATOR  
EDWIN R. RENDER**

By the terms of the contract between **LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT**, hereinafter referred to as the Employer, and the **LOUISVILLE CORRECTIONS FRATERNAL ORDER OF POLICE, LODGE NO. 77**, hereinafter referred to as the Union, there is a grievance procedure including arbitration. Accordingly, the parties selected **EDWIN R. RENDER, LOUISVILLE, KENTUCKY**, as impartial Arbitrator. Hearings were held in **Louisville, KY** on **June 3 and June 5, 2008**. Equal opportunity was given the parties for the preparation and presentation of evidence, examination and cross-examination of witnesses and oral argument. The parties submitted post-hearing briefs on **June 28, 2008**.

C

## THE ISSUE

The issue in this case is whether the Employer had just cause to discharge the Grievant, and, if not, what is the appropriate remedy.

## RELEVANT CONTRACT PROVISIONS

Article 9 of the contract provides in part:

Standard Operating Procedures: The Department has the right to promulgate reasonable rules and regulations not inconsistent with the express terms of this Agreement. Any revisions or modifications of Departmental rules and regulations shall be posted for a period of ten (10) days in the Department. The Department may issue operational memoranda in lieu of revisions to policies, procedures, rules and regulations, provided however operational memoranda terms shall not be of duration of longer than ninety (90) days nor from the basis of any disciplinary action against a member.

Article 11 of the contract provides in part:

Grievance Procedure. Section 1(b): Any disciplinary grievance shall be reduced to writing and brought to the attention of the Director's Office within seven (7) days of the effective date of said discipline.

Section 2(a): The following limitation of the powers of the Arbitrator shall apply: He shall have no authority, jurisdiction or right to alter, amend, modify, ignore, add to or subtract from or change in any way any term or condition of this Agreement or to render an award which is in conflict with any

provision of this Agreement. He shall only consider specific issues or issues submitted to him and shall confine his decision to a determination of the facts and an interpretation and application of this Agreement.

Section 2(b): The decision of the Arbitrator shall be advisory in nature with respect to all matters.

Article 13 of the contract provides in part:

Discharge and Termination of Employment: Section 1: The Metro Government shall not discharge any employee without just cause except as herein provided for probationary employees. Written notice of discharge setting forth cause shall be given the employee with a copy to the FOP.

Section 2: No employee shall be disciplined, suspended, or discharged in violation of Federal, State, Metro laws or regulations because of race, color, creed, national origin, sex, age (between the ages of 40 and 65), disability, political or religious affiliation or membership in any labor or lawful affiliated organization, or because of discriminatory, personal dislikes.

### **RELEVANT RULES AND POLICY PROVISIONS**

3.02 Employee Code of Ethics and Conduct

A. Code of Ethics

1. Personnel shall not:

g. Employ corporal punishment or unnecessary physical force.

B. Code of Conduct

2. Conduct Unbecoming

b. Conduct unbecoming includes, but is not limited to, criminal acts, dishonesty, or other

improper conduct. The Department shall determine what constitutes Conduct Unbecoming a Departmental employee.

5. Dereliction of Duty

- xii. Displaying a reluctance to properly perform assigned duties
- xiii. Acting in a manner tending to bring discredit upon the employee or the Department; or
- xiv. Failure to exercise due diligence in the performance of duties.

9. Relationship of Employees with Inmates

- b. Employee shall use only the minimum amount of force necessary under the circumstances to control an inmate.

4.11 Use of Force

A. Usage

- 1. Any use of force must be reasonable and necessary.
  - a. Every effort shall be made to prevent and defuse situations which might require the use of force.
  - b. If force becomes necessary, only the minimum amount of force required shall be used to control any situation.

- 1. All sworn staff shall be trained in Departmental approved methods of self-defense and the use of force.
- 2. The use of physical force is restricted to instances of justifiable self-defense, protection of others, protection of property and prevention of escapes, and then only as a last resort and in accordance with KRS Chapter 503. In no event is physical force justifiable as punishment.

3. An incident report is prepared following all uses of force and submitted to the Director for review.

#### B. Choice of Evils

1. As per KRS 503.030, unless inconsistent with the ensuing sections of this code defining justifiable use of physical force or with some other provisions of law, conduct which would otherwise constitute an offense is justifiable when one believes it to be necessary to avoid an imminent public or private injury greater than the injury which is sought to be prevented by the statute defining the offense charged, except that no justification can exist under this section for an intentional homicide.
2. When one believes that conduct which would otherwise constitute an offense is necessary for the purpose described in above (1), but is wanton or reckless in having such belief, or when one is wanton or reckless in bringing about a situation requiring the conduct described in above (1), the justification afforded by this section is unavailable in a prosecution for any offense for which wantonness or recklessness, as the case may be, suffices to establish culpability.

#### C. Execution of Public Duty

1. Unless inconsistent with the ensuing section of KRS 503.040 defining justifiable use of physical force or with some other provisions of law, conduct

which would otherwise constitute an offense is justifiable when it is required or authorized by a provision of law imposing a public duty or by a judicial decree.

2. The justification afforded by the above (1) applies when:

a. One believes one's conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; or

b. One believes one's conduct is required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

#### D. Use of Physical Force in Self-Protection

1. The use of physical force by one person upon another is justifiable when one believes that such force is necessary to protect oneself against the use or imminent use of unlawful physical force by the other person. Such use of physical force is justifiable only when one believes that such force is necessary to protect oneself against death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat.

#### E. Protection of Another



1. The use of physical force by one upon another person is justifiable when:
  - a. One believes that such force is necessary to protect a third person against the use or imminent use of unlawful physical force by the other person; and
  - b. Under the circumstances, as they actually exist, the person whom one seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

2. The use of deadly physical force by one upon another person is justifiable when one believes that the person against whom such force is used is:
  - a. One believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat; and
  - b. Under the circumstances, as they actually exist, the person whom one seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection . . . .

## L. Levels of Resistance

There are levels of resistance displayed by the inmate of which the Officer must be aware. The levels of resistance are as follows:

1. Psychological Intimidation (Non-verbal/body language)
2. Verbal non-compliance (Verbal unwillingness or threats, failure to follow lawful commands)
3. Passive Resistance (Physical actions that do not prevent Officer's attempt to control, backing away)
4. Defensive Resistance (Physical actions that attempt to prevent Officer's control, but never attempts to harm the Officer, pulling away from physical contact)
5. Active Aggression (Physical actions of assault)
6. Aggravated Active Aggression (Deadly force encounter, assault with a weapon)

## M. Levels of Control

There are six (6) levels of control. The level of force applied in any given situation shall be consistent with the degree of severity of the particular situation.

1. Professional presence;
2. Verbalization (Verbal Communication—Verbal Judo);
3. Soft empty hand control;
4. O.C./Pepper-ball spray (pepper spray— aerosol or powder.) This is a less than lethal method

of control;

5. Hard empty hand control (Striking Technique);

6. Impact weapons (Batons, 12 Gauge Shotgun Less-Than-Lethal Impact Munitions); and

7. Deadly physical force.

#### N. Use of Force Within Secure Area of the Jail

1. When physical force is essential, its use shall be limited to that force necessary.

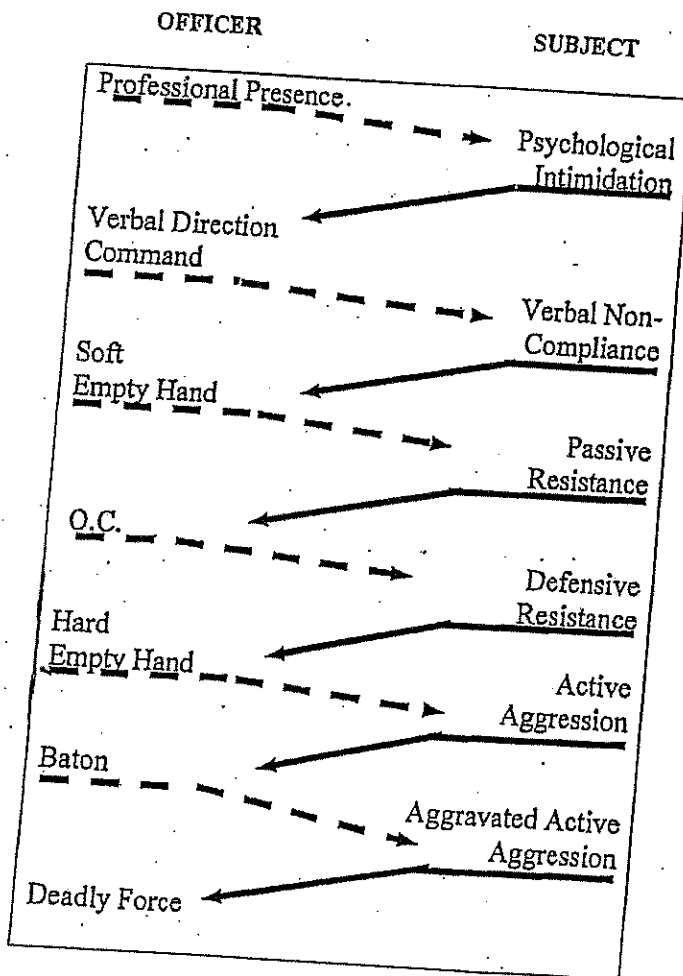
2. The amount of force necessary is based on the discretion of the Officer actually using the force or the force necessary to avoid immediate death or serious physical injury to staff, inmates or other individuals the Officer has been duly sworn to protect.

The Employer's use of force continuum is reproduced on the following unnumbered page.

### INTRODUCTION

The Employer is the Louisville Metro Department of Corrections. The Department of Corrections manages the Louisville/Jefferson County Jail. The Grievant is a Corrections Officer who has been employed since 2000. For a period of time prior to 2004, the Grievant left the Employer and worked at the LaGrange Reformatory and returned to the Employer in 2004. He was discharged for using excessive force on a person, Inmate Smith, who had been arrested and was being brought into the jail. The discharge actually occurred following an investigation of the incident by the Employer's Professional

Use of Force Continuum



Standards Unit ("PSU"). The following summary of events is taken from the Case Report of the PSU.

On November 6, 2007, Inmate Smith was "taken to the floor by Officer Dotson [the Grievant] during the grill search." Inmate Smith was injured when he hit the floor. Inmate Smith told the PSU he was "swept off his feet and punched in the face a couple of times." He also told the PSU that he needed to use the bathroom, but the corrections officers would not let him. Inmate Smith was released from jail on November 8.

Sergeant Bonnie Minter made a statement to the PSU. She did not see Inmate Smith being taken to the floor but arrived on the scene moments later and saw him lying on the floor handcuffed. She also observed that he was bleeding. She told the PSU when she asked the officers what happened, they would not respond. Because the officers would not respond, she had the grill tape (a videotape that is in the grill area) pulled and reviewed it. She watched the grill tape and concluded that Inmate Smith was running his mouth but that the Grievant had other options he could have used instead of taking Inmate Smith to the ground. She said there were two other officers present who could have assisted the Grievant, but "he did not choose to use them."

Officer Lisa Estes also gave a statement to the PSU. Officer Estes told the PSU that she instructed Inmate Smith to keep his hands and his head on the

wall. She said that Inmate Smith was intoxicated. She told the PSU that "Inmate Smith started tensing up a little bit like he wanted to come off the wall," but before she could assist, the Grievant "had already leg-swept Inmate Smith to the ground." She told the PSU that the Grievant could have used other options before he took Inmate Smith to the ground. She also said that the Grievant used excessive force. She stated that she did not hear the Grievant tell Inmate Smith to comply with his instructions, or he would be proned on the floor and searched. Ms. Estes also said that neither she nor apparently the Grievant had a working radio, so they could not call the Sergeant.

Captain Chapman also gave a statement to the PSU. He said those involved declined to answer questions, so the grill tape was pulled and viewed. He also said that at one time, the Grievant told him that "the inmate became disruptive and was taken to the ground." He said that Officer Estes "at that time [did not] indicate anything was done wrong."

Officer Hawkins made a statement to the PSU. He said that as the Grievant was searching Inmate Smith, he kept refusing to stay on the wall during the search, and the Grievant told Inmate Smith if he continued to resist he would be taken to the ground. He said Inmate Smith spun toward the Grievant, and the Grievant took Inmate Smith to the ground. Officer Hawkins

said that the Grievant took Inmate Smith to the ground before he could assist him. He expressed the opinion that the Grievant did not have to take Inmate Smith to the ground because he and Officer Estes were there to assist.

The Grievant also provided a tape-recorded statement to the PSU. He indicated that Inmate Smith was intoxicated and in handcuffs when the police brought him in. He said that Inmate Smith would not answer his questions or walk into the jail on his own. The Grievant told the PSU that he told Inmate Smith to place his property on the table, but instead Inmate Smith threw his hat and something else on the floor. He said that he told Inmate Smith again to place his property on the table, and Inmate Smith threw an ink pen, which hit the Grievant on his hand, poking a hole on his glove. He then re-handcuffed Inmate Smith. The Grievant said that each time he began to search Inmate Smith, he would raise up and step toward the wall, preventing the search from going forward. He said he told the inmate that if he did not comply with his instructions, he would be proned out on the floor and searched that way. It was the Grievant's opinion that the situation was unsafe, but that he did not feel in any immediate danger. The Grievant also said as he attempted to lay Inmate Smith on the ground, he tensed up and turned in the Grievant's direction. The Grievant thought that Inmate Smith was either going to spit on him, headbutt him or bite him. He said that when Inmate Smith turned toward

him, he hurried up the take-down, and it became more aggressive. He said that he thought in this situation it was best to "resolve it and then get a supervisor." Although he believed the situation could have been handled differently, he considered the force he used reasonable and necessary.

The PSU concluded that the Grievant used excessive and unnecessary force in taking Inmate Smith to the ground. The PSU noted that the grill tape shows the Grievant had complete control over Inmate Smith, and that he took his time to position himself and Inmate Smith in order to take him to the ground. It concluded that the Grievant did not need to rush the take-down, and that the take-down ended with the Grievant on one knee and in control. The PSU relied on Section 3.02 of the Code of Ethics and Conduct and Section 4.11, Use of Force, in the Policy and Procedure Manual as stated above.

On December 12, 2007, the Employer terminated the Grievant. The termination letter states:

After hearing your side of the issue during the pre-termination hearing and careful consideration of the seriousness of the policy violations, the Department has decided to terminate your employment immediately. As a member of a collective bargaining agreement, you may have the right to file an appeal. Please refer to your Union contract for specific instructions.

You must return any property that belongs to Louisville Metropolitan Corrections immediately upon receipt of this letter to Major Dietz in the



administrative office, 3<sup>rd</sup> floor of the New Jail Complex at 400 South Sixth Street. We will forward your final paycheck to the address appearing on your check unless otherwise stipulated by you. Information concerning your benefits will be forwarded to you from the Metro Human Resources Department.

The Union appealed the discharge decision to the Director of Metro Corrections on December 12, 2007. The appeal was denied by letter dated December 18, 2007. The parties were unable to resolve the dispute, and it was appealed to arbitration by the Union on February 4, 2008.

### THE HEARING

Sergeant Bonnie Minter testified for the Employer. When she arrived on the scene at the grill area, Inmate Smith was already on the floor. The grill is an area in which people who have been arrested by the police and who are being jailed first enter the jail and are searched by a Corrections official. On this occasion, the Grievant was assigned to the grill. She said that when she asked, Officer Estes and Officer Hawkins what happened, neither of them responded. She then had someone pull the grill tape, which is a video recording of the area, reviewed it with three other individuals, and then wrote a report of the incident. She did not state a conclusion in her report. She also said that everyone going into the jail is given a thorough pat search. She

testified that it is essential for whomever is working in the grill to maintain control over the incoming prisoner. This incident occurred on the 11 p.m. – 7 a.m. shift, the shift during which most of the violent or unusual incidents tend to occur.

During Officer Minter's cross-examination she viewed the videotape. On direct and on redirect examination she said that the take-down was not reasonable and necessary. She said she was not immediately notified of the incident. She said that either Officer Hawkins or Estes should have notified her.

Officer Hawkins was the booking officer on November 6, 2007. He came into the grill as the Grievant was searching Inmate Smith. He said that he was not actually participating in the search, but he heard loud talking. He testified he heard the Grievant tell Inmate Smith to keep his head on the wall, but Inmate Smith did not obey that directive. According to Officer Hawkins, the Grievant told Inmate Smith to keep his head on the wall several times. He said Inmate Smith was not a threat, but he was not complying with the Grievant's orders because he kept taking his head off the wall. He said Inmate Smith was drunk and loud. He said Officer Estes was trying to assist, but the Grievant did most of the talking. At one point he said that the Grievant was justified in taking Inmate Smith to the floor. He said if you tell an inmate,

"I'm going to take you to the floor if you don't comply," you have to follow through with it. (Tr. 55-56). He did say that he and Officer Estes could have each grabbed an arm and taken Inmate Smith to the floor more gently than the Grievant did. At another point Officer Hawkins said that the take-down was necessary but was not reasonable.

On cross-examination, Officer Hawkins said that the Grievant told Inmate Smith, "If you continue to resist, I'll take you down." He also said he saw Inmate Smith turn toward the Grievant just before he took him down. He said that Inmate Smith was agitated.

Captain Chapman was the third shift captain and the Grievant's supervisor. He did not see the incident but came to the grill while Inmate Smith was the ground and the Grievant was searching him. When he asked what happened, no one said anything. After viewing the videotape, Captain Chapman said that the Grievant used excessive force. He also said that the victim urinated on himself. Another witness said that sometimes people coming into the jail do this on purpose so as to decrease the thoroughness of the search. Captain Chapman said that the Grievant did not do anything wrong until the actual take-down. He said the take-down violated the Employer's policy. The Grievant should have used the other two officers to help. The other officers did not contact the Sergeant. Captain Chapman agreed that

Inmate Smith was trying to prevent the Grievant from performing the search and was not complying with the Grievant's orders.

Captain Chapman also testified about the Training Manual and the Employer's Policy. He said that all three individuals should have put Inmate Smith on the ground as opposed to the Grievant doing it alone. He also said that an officer could use physical force against an inmate if the use of force was necessary to protect the officer from the use of physical force by the inmate. He said that in this case, the Grievant would have been in a better position to make this decision than anyone else. He said that other employees have been terminated for unnecessary take-downs, but apparently that situation involved officers assaulting an inmate after the take-down. (Tr. 100).

Mr. Eggers is the coordinator of the PSU. He investigated the incident and interviewed all of the individuals referred to above in the PSU Case Report. He concluded that the Grievant used excessive and unnecessary force and that he violated City Policy.

Sergeant Jerry Collins, who trains in defensive tactics and the use of force, testified for the Employer. He said that upon viewing the videotape of the incident, the Grievant properly handcuffed Inmate Smith and was in complete control of him. He also testified that the videotape shows the Grievant, with both hands on Inmate Smith, throw him across his (the

Grievant's) right hip and onto the ground. He said the Grievant turned the victim to his left, put his hand around his neck and threw him to the ground. He said that this was not a proper take-down and that it was unnecessary. He already had Inmate Smith under control and could have maintained control with the use of less force. All three officers could have taken Inmate Smith to the ground with less violence. He basically said that the Grievant used excessive force on Inmate Smith because Inmate Smith posed no threat in that he was handcuffed. He also said the take-down was unnecessary because the Grievant should have called a supervisor or enlisted the assistance of Officers Estes and Hawkins so that the take-down could have been done with little or no violence.

Officer Collins testified very specifically about the applicable regulations of the Employer. Officer Collins also testified that the Grievant used hard empty hand force when he did the take-down. (Tr. 157). This was improper because Inmate Smith only engaged in passive resistance when he "tensed up." (Tr. 161). The take-down was unnecessary because the Grievant could have called for a supervisor or had Officers Estes and Hawkins assist in doing a less violent take-down.

At page 161, the following colloquy occurred on Collins' direct examination:

Q: [The Grievant] stated I think in both his incident report and his PSU statement that the inmate tensed up and turned toward him, and this is on page 6, line 44 of this statement. If this is true, what type of resistance would this be categorized as?

A: If he tensed up and turned towards him?

Q: Uh-huh.

A: That would still be passive resistance if he just tensed up. Again, that inmate was handcuffed behind his back.

On cross-examination, Officer Collins indicated that Inmate Smith being handcuffed was a very important consideration as far as the City was concerned. He said that the Grievant turned the victim and tripped him. Officer Collins also said that the Grievant failed to use many options that were available to him.

Major Dietz testified for the Employer. He said that the take-down was unnecessary and unreasonable. The Grievant's other options included using the other Officers, calling a supervisor and other kinds of take-downs. On cross-examination, he said that if the Grievant did not have a radio, the other Officers should have called his supervisor. He seemed to suggest that the supervisor should have been called before executing the take-down. A question was raised during Major Dietz' testimony whether Inmate Smith voluntarily turned toward the Grievant as he tensed up or whether the Grievant or Officer Estes actually turned Inmate Smith toward the Grievant. He said that the victim had no way of breaking his fall.

Mr. Sidebottom, the Deputy Director of the Corrections Department, reviewed the case following the Internal Affairs investigation. He said that he and Director Campbell recommended discharge. They conducted a meeting with the Grievant before they terminated him, and nothing new came out in the meeting. He reviewed the PSU Case Report and concluded that the Grievant did use unnecessary force. He reviewed the videotape. He relied on the videotape and the PSU case report. He said that Corrections Officers deal with intoxicated individuals on a nightly basis, and Corrections Officers are expected to know how to handle intoxicated people. He said, "The thing just did not look right." He also said that the Grievant moved Estes out of the way. He said the Grievant chose to handle Inmate Smith on his own without Estes' assistance. He did not seek the help of others. He said the Grievant was discharged rather than suspended because during the final meetings before the discharge, the Grievant continued to maintain that he did not do anything wrong. One of the reasons for the discharge is that the discharging officials were concerned that the Grievant would do the same thing again. He agreed that the other Officers should have assisted the Grievant.

Corrections Director Campbell testified that he simply cannot tolerate the use of excessive force by Corrections officials. He said that the Grievant failed to exercise several other options that he had, such as calling other

employees and calling his supervisor. Campbell said that the Grievant used poor judgment. He said it was difficult to say, looking at the videotape, whether the Grievant made a split-second decision to do the take-down. He said Inmate Smith did not present a threat to the Grievant. He agreed that the incident happened very quickly. He said Officer Hawkins was not at fault. Officer Estes was helping, but she did not participate in the take-down. He also credited Estes' statement to the PSU. He said there are many incidents in the jail, and Corrections Officers have to be professional. They must follow procedures. This conduct was intolerable. It was an unreasonable and excessive use of force. He said he could not risk keeping the Grievant as an employee. That the Grievant never admitted any wrongdoing was a serious matter. Finally, he said that the Grievant agreed that he had other options he could have used.

On cross-examination, Mr. Campbell referred to the use of force continuum and said that Inmate Smith did "come off the wall," and he either turned on the Grievant or the Grievant turned on him. He said that many inmates are taken to the ground to be searched. He said if Inmate Smith offered Defensive Resistance, the Corrections Officers could use Hard Hand, but he said that he had other options.

The Grievant testified that he has been a Corrections Officer since 1999.



When police officers bring people to the jail, they immediately go the grill to be searched for weapons and contraband. He said that he had worked the grill for two years. He has found contraband and weapons on many prisoners. Many prisoners are aggressive and violent. He said Inmate Smith was intoxicated and refused to answer his questions. The police officer who brought him in told the Grievant that Inmate Smith was angry. The police officer had Inmate Smith handcuffed when he brought him to the jail. Someone unhandcuffed him, and the police officer took his handcuffs with him, then the Grievant re-handcuffed Inmate Smith. The Grievant said Smith had been in the jail many times and had been through in the grill before.

The videotape was played during the Grievant's testimony. The videotape shows Inmate Smith throwing his coat on the floor, which he was not asked to do. After the Grievant turned Inmate Smith around and had him facing the wall and was doing the pat search, he testified that Inmate Smith was talking all the time. He said that Inmate Smith said, "Man you don't know." According to the Grievant, Inmate Smith was about to "explode." The Grievant said that Corrections personnel have to watch someone like this. Corrections Officers develop a feel for somebody who is about to "explode." He said he told Inmate Smith to put everything in his pockets on the table. The Grievant testified that Inmate Smith said, "You don't tell me what to do.

"I'll do it in my own time." The Grievant said Inmate Smith threw his stuff on the table aggressively. He then put the handcuffs on Inmate Smith. When Officer Estes heard the cuffs go on, she came into the grill. The Grievant originally thought the handcuffs were sufficient. He told Inmate Smith to step back from the wall and put his head on the mat on the wall. The Grievant said that when he took his hands off Inmate Smith, Smith would step toward the wall. The Grievant described this as Defensive Physical Resistance, because by being completely upright Inmate Smith could attack anyone more quickly. He said that Inmate Smith knew Officer Estes. The Grievant said he told Inmate Smith, "If you don't cooperate, I'm going to put you on the floor." The Grievant said he was not pushing him at that point. The Grievant said he did not know that Officer Hawkins was in the area. Officer Hawkins did not say anything when he came in. The Grievant testified he told Smith to face the mat on the wall several times. He also said that he told him, "We can do this on your feet or on the ground." However, the Grievant said Inmate Smith turned around again, and he held him in the "escort position." In this position, the Grievant put his right arm between Smith's elbow and his ribcage, and his hand was actually up on his shoulder, allowing him to use Inmate Smith's upper arm for leverage. The Grievant said that at this time he had not decided to put Inmate Smith on the ground. He said that he was going to pin him to the

wall. Immediately after this, the Grievant said that Smith tensed up and turned his head toward him, which made the Grievant think that Smith might spit on him, headbutt him or bite him. He said that he then took one step forward and flipped Smith to the ground. He noted that he went from the escort position to the take-down very quickly. He said that just after he put Smith in the escort position, he felt his muscles tighten up and his body go rigid. The take-down occurs at about 609:15 on the video. The Grievant said he did not plan to do a take-down of Inmate Smith. He said he believed the threat of Smith spitting on or biting him was sufficient justification to do the take-down. He said that it was this last aggressive behavior of Inmate Smith, the tensing up and turning toward him, that caused him to do the take-down.

He said that it is not uncommon for prisoners to urinate on themselves to impede a search. He said when a prison official does a take-down, the official often lands on top of the inmate. He said he did not have a radio on him at the time, so he could not call the Sergeant. He also said that Officer Estes did not have a radio on her. Later he gave a statement to Corrections Department Officials.

On the use of force policy, he said that it is proper to use one level of force above that which an inmate is using on him. For example, on page 7 of Employer Exhibit 4, he noted that if an inmate is offering defensive resistance,

the Corrections official is permitted to use hard open hand. He thought that the take-down was soft empty hand initially but conceded that it was probably hard empty hand. He also said that he thought his past Union activity was a factor in the Employer's decision to terminate him.

Mr. Murray has been an employee of the Employer for about three years. He said that handcuffing is soft empty hand. He also said sometimes take-downs do not go as planned. An officer is permitted to eliminate threats against himself. He also said that not all injuries to prisoners result in the disciplining of Corrections officials.

William Payne, a retired Kentucky State Police officer, testified as an expert witness for the Union. He testified to his familiarity with the use of force continuum. He said that it was important for corrections officials and other law enforcement officials always to have control over the prisoner. This begins with control of their hands and making sure that they obey the officer's verbal commands. Placing a prisoner on the ground to search him is a legitimate method for controlling prisoners because it is easier to control a person who was lying on the ground than it is to control someone who is standing. With respect to the use of force continuum, he said that pulling away was defensive resistance, and that the escort technique was a legitimate response to it. He also said that an officer who has his hands or arms on a

prisoner is less likely to lose control of a prisoner because the prisoner's body gives physical cues to what the prisoner might do next. In this regard, it is essential for the Corrections official to stay one step ahead of the prisoner. He said that he believed the take-down in this case was reasonable. The proper application of the use of force continuum allows the officer to maintain control over the subject. He noted that the subject in this case did not put his head on the wall when so requested three or four times. He said that based on his observation of the videotape, Smith was offering defensive resistance. Since Smith was offering defensive resistance, the Grievant could use hard empty hand to maintain control. A take-down in the PPCP is not hard empty hand. The take-down is soft empty hand. Hard empty hand is striking the prisoner. A take-down is soft empty hand because there is no striking. In this case, he said that not all of the options in the continuum were available to the Grievant. He believed that the Grievant was actually operating two levels below Inmate Smith's conduct. He said that he had seen take-downs before in the Louisville jail, and he also said that there are always other options on hindsight. He noted that things of this nature generally happen very quickly, and there is little or no time for the official to reason through the various options. An injury to the victim does not necessarily mean that the officer used excessive force.

## POSITIONS OF THE PARTIES

### Position of the Employer

Initially the Employer contends that the best evidence in support of the conclusion that the Grievant used excessive force on Inmate Smith on November 6 is found in the videotape of the grill search. The Employer's version of the facts is summarized next. The Grievant began searching Inmate Smith and as part of the search told him to remove his outer garments. According to the Employer, Inmate Smith complied. The Grievant also instructed Inmate Smith to remove all items from his pockets and place them on a table. Inmate Smith actually threw the items on the table. Inmate Smith complied with the Grievant's order to face the wall and place his hands on it. Then the Grievant handcuffed Inmate Smith.

At about this time, Officer Estes returned to the grill area and began talking to Inmate Smith. Although there was no audio accompanying the videotape, a statement of Officer Estes said that Inmate Smith told her he was trying to comply with the Grievant's orders.

Officer Hawkins was working on the booking floor at the time. He heard loud talking on the grill and came to assist. When Officer Hawkins arrived, Inmate Smith was under control. He was handcuffed, and the Grievant was searching him. Officer Hawkins observed Inmate Smith turn off

the wall and heard the Grievant tell him to keep his head on the wall. Officer Hawkins said that Inmate Smith told him he was trying to comply.

Next, the Grievant put his right arm below Inmate Smith's left arm with his hand extended upward toward Inmate Smith's neck area. He then stepped in front of Inmate Smith's right leg and took Inmate Smith to the ground. According to the Employer, there is no evidence that Inmate Smith turned his head toward the Grievant to headbutt, spit on or bite him before the Grievant took Inmate Smith to the floor.

The Employer notes that Article 9 of the contract permits it to implement rules and regulations governing employee conduct. It is undisputed that the Grievant was aware of the regulations which governed his general conduct and, more specifically, his use of force.

During the hearing, the parties agreed that the issue before the Arbitrator is whether the Employer had just cause to discharge the Grievant under Article 13 of the contract. Under the just cause standard, the basic question is whether the decision to discipline the Grievant was fair under all the circumstances in the case. Aitchison, The Rights of Law Enforcement Officers (Labor Relations Information System, 2000). The Employer argues, "A showing of just cause includes a violation of the employer's rule or policy." In this case, it is clear that the Grievant violated the Employer's rules

and policies regarding the use of force and conduct unbecoming. In the circumstances of this case, the just cause analysis consists of the following:

- (1) Did the evidence show that the Grievant committed the offense (use of excessive force)?
- (2) Did the evidence show that the Grievant violated the Employer's policy? and
- (3) Was the termination of the Grievant's employment excessive?

The Employer also notes that during the hearing, eight individuals testified that the Grievant used excessive force in this case. In addition, Officer Estes gave a sworn statement to PSU that the Grievant used excessive force.

Sergeant Minter testified that the Grievant's actions were not reasonable and necessary. She said that the Grievant did not have to aggressively take Inmate Smith to the floor, because two other officers were present who could have assisted. She also said that the Grievant could have searched Inmate Smith while the other officers were holding him. Officer Minter also believed that Officer Estes was capable of rendering assistance if and when needed. This adequately responds to the Grievant's testimony that Officer Estes was incompetent to assist in the situation.

Officer Hawkins also testified that the Grievant should not have taken down Inmate Smith. He did not see Inmate Smith as a threat, and it appeared



to him that the officers had Inmate Smith under control. He said that the Grievant had other options he could have used before taking the Grievant to the floor, such as ordering Inmate Smith to go to his knees. This would have been the minimum amount of force needed to control the situation and would have been in compliance with the Employer's use of force policy.

The Grievant testified that when Officer Hawkins entered the grill area, the search of Inmate Smith had already failed. Nevertheless, the Grievant had options other than putting Inmate Smith on the floor, even assuming Officer Estes was incapable of assisting. The Employer notes that the Grievant never called for assistance during the entire episode. It would not have been necessary for the Grievant to have taken his hands off Inmate Smith in order to call for help.

Captain Chapman testified that the Grievant used excessive force in carrying out the search. This was so because the Grievant did not use the minimum amount of force necessary to control Inmate Smith. He said there were many less forceful options the Grievant could have utilized to carry out the search. These included obtaining the assistance of other officers, sweeping Inmate Smith's legs out from under him and putting him on the ground, and making Inmate Smith's knees lock.

Sergeant Collins is a certified trainer for the Employer. He trains in

defensive tactics and similar techniques. He likewise testified that the Grievant used excessive force. He said that Inmate Smith was not showing the level of resistance which required him to be taken the floor in the manner he was. He also said that the take-down method used by the Grievant was not a defensive technique taught by the Employer.

Lieutenant Eggers testified at the hearing and conducted the internal investigation of this incident. He likewise concluded that the Grievant used excessive force. He interviewed Officers Estes and Hawkins. He stated that based upon the nature of the excessive force, the Grievant violated the Employer's policies and procedures.

Three officials from the administration testified that the Grievant used excessive force, thereby violating the Employer's use of force policy and its Code of Ethics. Major Dietz, based upon the conclusion of the internal investigation and the nature of the Grievant's misconduct, recommended that the Grievant be terminated. He also expressed the opinion that the Grievant did not need to use the force that he did in this situation. Deputy Director Sidebottom testified that after the pre-termination hearing, he upheld the charges and decided to uphold the recommendation of termination. He expressed the opinion that the Grievant used unnecessary force. He said that the Grievant had other options available to him to control the situation. He

also said that during the pre-termination hearing, the Grievant did not admit to any wrongdoing and attempted to justify his actions. Director Campbell testified that the Grievant's actions were not warranted and that he used excessive force. He considered the Grievant's failure to recognize that he had used excessive force to be a serious issue insofar as retaining him was concerned. He thought it was more likely that the Grievant would make the same mistakes in the future.

Next, the Employer argues that the Grievant's misconduct violated Departmental policies. Lieutenant Eggers reached this conclusion following the PSU investigation. He described the relationship between the Grievant's misconduct and the Employer's policies. He testified that the Grievant was trained in the use of force. The fact that he had been trained in the use of other options demonstrated the Grievant's reluctance or inability correctly to perform his job. He said the Grievant's use of excessive force tended to bring the Department into disrepute. He also said that the Grievant used more than the minimum force necessary to control the situation.

The Employer notes that during the hearing, the Union made constant reference to the use of force continuum. It attempted to persuade the Arbitrator that the Grievant was justified in his use of force. However, in this case the facts are in dispute, specifically as to Inmate Smith's level of

resistance and whether or not his actions warranted the use of force by the Grievant. It is also significant that the take-down method used by the Grievant is not one in which he was trained by the Employer.

The Grievant testified that he felt threatened by Inmate Smith, specifically by his turning his head and tensing his body. The Employer notes that the Grievant did not initially mention these facts in the incident report. They first came to light during the hearing. From the videotape, it appears that Inmate Smith was complying with the Grievant's orders. When the Grievant handcuffed Inmate Smith, he complied by turning around and putting his head on the wall. The Employer also notes that it may not have appeared to the Grievant that after Inmate Smith was handcuffed, he was unable to "take three steps back and put his head on the mat." Both Officers Estes and Hawkins testified that Inmate Smith made the statement, "I am trying to comply." One must question whether Inmate Smith was not complying or unable to get in the position the Grievant wanted him to be in due to his intoxication. The Employer also notes that had Inmate Smith really been resisting, he would have offered more resistance prior to being handcuffed.

Next, the Employer argues that terminating the Grievant for the use of excessive force was not excessive discipline. The Grievant knew that excessive force would not be tolerated. Misconduct of this type should

reasonably lead to discharge, irrespective of an employee's work record. The use of excessive force could also impair the operations of the Employer in the future.

Director Campbell testified in detail as to why the excessive use of force cannot be tolerated. It is imperative that the Employer's operation be run in a professional manner, and the Grievant's conduct on this occasion demonstrated a lack of professionalism.

The Employer recognizes that Corrections Officers have an obligation to protect themselves and others in threatening situations. Corrections Officers also have a duty of providing for inmate safety. They must follow Departmental policies and procedures. Director Campbell said he required officers to exercise good judgment in dealing with inmates.

During the hearing, the Grievant testified that he was protecting himself and possibly Officer Estes from Inmate Smith either spitting on them, biting them or headbutting her. However, there is no evidence of an imminent threat either to the Grievant or Officer Estes. Officer Estes' statement to PSU does not indicate she felt threatened in any way. During the hearing, the Grievant attempted to discredit Officer Estes' abilities by saying she was "not a good person to assist with use of force situations." However, neither Officer Estes nor Officer Hawkins saw Inmate Smith as a threat.

Additionally, there are several aggravating factors to be considered in this case. In his position as a Corrections Officer, the Grievant is held to a higher standard when performing the duties of his position. He simply cannot become angry and frustrated and behave in a manner inconsistent with Departmental policies. Further, Corrections Officers are trained to use only the minimum amount of force required to control the situation. Any force in addition to this is defined as excessive. The force that the Grievant used in this case was not necessary because Inmate Smith was not a threat and did not provoke the Grievant in any manner. Therefore, the force was excessive.

Next, the Employer argues that the Grievant's incident report is inconsistent with his testimony at the hearing and in his PSU review. During the hearing, the Grievant testified he feared Inmate Smith would spit on, headbutt or bite him when he turned his head toward the Grievant. However, there is no evidence Inmate Smith turned his head to do any of these things. Officer Estes does not mention this fact in her incident report or in her sworn statement. Moreover, the Grievant did not mention these circumstances in the incident report he prepared that morning. (Employer Exhibit 2). The Employer asks why should such a significant fact have been omitted from the Grievant's incident report?

The Grievant failed to state in his incident report that it was Inmate

Smith's prior display of aggression and his refusal to be searched properly that prompted him to put Inmate Smith on the ground. At the hearing he said that Inmate Smith's prior conduct was a factor, as well as Smith's attempting to straighten his back, leading to the take-down. Again, these facts were not mentioned in the Grievant's incident report. It was only after the Grievant had eight days to think about the incident that he first mentioned to Lieutenant Eggers that Inmate Smith turned his head toward him, leading the Grievant to think he was going to spit on, bite or headbutt him.

The Employer next contends the Union failed to prove that the Employer discriminated against the Grievant because of his Union activity. The Employer contends that the basis for the Grievant's termination was solely his misconduct. The fact that he was a Union Steward did not enter into the decision to terminate him. The Union failed to establish that the discharge was somehow related to the Grievant's Union activity. The Grievant was not treated differently than any other employee. The Employer investigates all incidents of alleged excessive use of force. In this case, the investigation was fair and impartial.

The Employer argues the Union failed to establish that there was inconsistent or disparate treatment in this case. The Grievant testified he believed he was the victim of such, but the Union simply failed to prove this

allegation. The Union did not establish that other employees who used excessive force were not terminated. The only evidence the Union offered was an incident involving employee Murphy. Murphy testified that he did a take-down and was not disciplined for it. However, he provided no detail as to the circumstances of the take-down he did.

The testimony of George Manley does not prove disparate treatment. Mr. Manley testified he did a take-down but did not provide any details about the circumstances of it. In point of fact, it was obvious from Mr. Manley's testimony that he did not use excessive force in the situation he described.

The Employer also contends that though the Grievant's conduct in this case may not have violated the United States Constitution for purposes of a civil rights action under 42 U.S.C.A. §1983, he still violated the Employer's policy. Smith v. Freland, 954 F.2d 343, 347 (6<sup>th</sup> Cir., 1992), states that "a [city] can certainly choose to hold its officers to a higher standard than that required by the Constitution without being subjected to increased liability under Section 1983."

Next, the Employer notes that Officer Payne testified that the Grievant did not use excessive force. His testimony related to the type of training provided to Kentucky State Police Officers. The proper standard here is the training provided to Louisville Metro Corrections Officers, and whether the



Grievant's actions were proper under those policies and procedures. The training of law enforcement officers who patrol the streets may vary or differ from the training of a Corrections Officer. Officer Payne recognized this difference. On cross-examination, Officer Payne said, "Often subject factors are things that will cause you to use more or less force given a particular situation, but it depends on whose continuum you're talking about and who is using as to what the incident is." Officer Payne also noted that different techniques were used in training police officers. The presence or absence of other officers also affects the amount of force that may be used on the continuum. Sergeant Collins, who trains Metro Corrections Officers, testified that the officers of the Employer are trained on the Officer Subject Factor. He said that when there are multiple officers and a single subject, the use of force goes down because the officers can control the subject better with multiple officers. All of this may be different from a single State Trooper acting alone in a rural area of the State. An officer under these circumstances may be justified in using more force than a Corrections Officer inside of a jail. Here, the Grievant had other officers present who could have assisted him. Officer Collins testified that the Grievant used more force than was necessary. He used a technique that the Department did not train their officers to use on a handcuffed inmate.

While the Employer may have adopted some provisions of the PPCT Manual, there are other portions of that manual which have not been adopted. For instance, the Employer does not recognize a take-down as a Soft Empty Hand technique, but rather a Hard Empty Hand technique. (Tr. 243, line 23). The Department has a right to enforce this more strict policy. For all of these reasons, the Employer requests that the grievance be denied.

### **Position of the Union**

According to the Union, the issue in this case is whether the Employer had just cause to terminate the Grievant. The Union contends that the issue essentially involves interpretation of the Employer's use of force policy, particularly the use of force continuum contained therein.

Initially the Union notes that the Employer may only discharge a non-probationary employee for just cause. The Union argues the burden of establishing just cause in this case rests with the Employer. While much has been written about the meaning of "just cause," it essentially means that the discipline must be fair and appropriate under all of the circumstances. Aitchison, The Rights of Law Enforcement Officers (Labor Relations Information System, 2000), lists the following twelve components of just cause:

1. Have the charges been factually proven?
2. Was the punishment imposed by the Employer disproportionately severe under all the circumstances?
3. Did the Employer conduct a thorough investigation into the incident?
4. Were other employees who engaged in conduct similar or identical to that of the officer treated as harshly by the Employer?
5. Was the officer's misconduct the product of action or inaction by the Employer?
6. Did the Employer take into consideration the officer's good or exemplary work history?
7. Did the Employer take into consideration mitigating circumstances?
8. Was the officer subjected to progressive or corrective discipline?
9. Was the Employer motivated by anti-Union bias?
10. Are the Employer's rules clear and understandable?
11. Is the officer likely to engage in similar conduct in the future?
12. Was the officer accorded procedural due process in the disciplinary investigation?

The Union argues the Employer has not proved several of the components of just cause in this case.

As did the Employer, the Union summarized the testimony given at the

hearing in some detail. The major points made by the Union about the testimony of Sergeant Minter are: she was not present when the incident occurred but came on the scene shortly thereafter; she conceded there are many reasons an inmate may be taken to the ground; she also said that an inmate being brought into the jail must be searched before entering the facility; many arrestees attempt to smuggle weapons and contraband into the jail; she also testified that the shift on which the Grievant was working was probably the worst shift insofar as drunks being taken into the facility is concerned. The Union also notes that Sergeant Minter was hesitant to characterize the Grievant's use of force as excessive. She agreed that the Grievant had given the inmate verbal commands prior to taking him to the ground. She did state that the Grievant's actions were not reasonable and necessary because there were other options available to him.

Officer Hawkins has been an employee for twenty-three months and was present during the take-down, but he did not regularly work in the grill area. He did not assist the Grievant with Inmate Smith. He said that the Grievant told Inmate Smith that if he continued to refuse to comply with instructions, he would be taken to the ground. When asked on direct examination if the take-down was necessary, he responded, "Well, once we tell someone we're going to take them to the floor, yeah, it has to be done."

Later, he testified that he did not think the take-down was necessary because other officers were there to help. Officer Hawkins also characterized the method employed by the Grievant as "Soft Empty Hand control." He said that Inmate Smith was resisting the Grievant and that he kept coming off the wall. He said that normally all three officers would have been involved in the take-down, but that actually did not happen in this case.

Captain Chapman has been an employee of Metro Corrections for seventeen years. He said when he came to the scene nobody initially said anything. Officer Chapman testified on cross-examination that a handcuffed inmate could headbutt an officer, could bite an officer, could kick an officer or could spit on an officer. He also agreed that the Grievant was in the best position to determine what Inmate Smith might do. He agreed that the Employer's use of force policy is subject to interpretation. He also said that Inmate Smith was not complying with the Grievant's instructions and that Smith's behavior was defensive resistance. When questioned about the use of force continuum, he stated he did not think the Employer trained in pressure point control tactics. However, when shown the training manual, he conceded that the wording of the Employer's policy and the training manual were consistent with one another. He also said that Officers Estes and Hawkins had a duty to assist the Grievant. Finally, he said that during his seventeen years

with the Department, he had done take-downs and had never been disciplined for them.

Lieutenant Eggers works in the Professional Standards Unit. After watching the videotape, he expressed the opinion that the Grievant used excessive and unnecessary force. On cross-examination he agreed that the Grievant had complied with the Soft Empty Hand control portion of the use of force continuum. He testified that the next applicable level would be Hard Empty Hand control, and that this would include a take-down. He also agreed that there were different types of take-downs ranging from soft take-downs to hard take-downs. He said an inmate's actions could affect how hard he actually hits the ground. He agreed that a handcuffed inmate could injure an officer by biting, kicking or headbutting the officer, and that this kind of conduct occurs from time to time. Importantly, Lieutenant Eggers agreed that it is the officer involved in the incident who must decide initially whether his use of force is appropriate.

Sergeant Collins has been an instructor in the use of force for nearly eight years. He considered Inmate Smith's resistance as passive resistance. The Union notes that this contradicts Captain Chapman's testimony that Inmate Smith offered defensive resistance. Sergeant Collins also said the technique the Grievant used was Hard Empty Hand, which is not taught to

Corrections Officials.

Major Dietz considered the main issue in the case to be whether the Grievant could have used other methods to obtain control over Inmate Smith and to protect himself. He agreed that if the Grievant did not use excessive force, he would not have violated the Employer's policy. According to the Union, his testimony was in conflict with Officer Minter's on some points. He said that "things don't always go the way they go in training." He agreed that an officer's actions must be reasonable and necessary and that this is based on the officer's belief. He could not see how the Grievant could believe that the inmate was a threat to him. This conclusion was based solely upon viewing the videotape. He conceded that just because an inmate is injured by a Corrections Officer, it does not follow that the officer did anything wrong. He also conceded that other take-downs have occurred in the jail. According to the Union, it is important to note that Major Dietz said, "It appeared to me on tape that the inmate was facing the wall like this and that's when he executed the take-down." The Union contends that in viewing the videotape, one can determine that Inmate Smith turned himself toward the Grievant, and it was not the Grievant who put him in that position. It was Inmate Smith's own belligerence and refusal to follow instructions that led to the take-down.

Deputy Director Sidebottom also concluded from the videotape that the

Grievant used unnecessary force. He described the take-down as "Hard Empty Hand" control. He said that if he were in the same situation, he would have obtained help from his fellow officers. He conceded, however, that the other two officers had an affirmative duty to assist the Grievant.

Director Campbell's primary employment has been in the prison system and not a local jail. He agreed that jails are more volatile than prisons. He also expressed the opinion that in almost any excessive use of force situation discharge is the only recourse the Employer has. He expressed concern that the Grievant did not admit wrongdoing in the take-down. He also agreed that the Grievant was in a better position than he to determine what Inmate Smith was doing.

The Union summarized the Grievant's testimony in its post-hearing brief very much in the same manner as was done above in the statement of facts. Officer Murray testified that he has had to use force against prisoners. He said that pursuant to the Employer's use of force policy, officers are trained to use one level of force higher than that of the inmate in order to maintain control. Mr. Murray said that he had conducted take-downs himself. Officer Manley also testified that take-downs are used in the jail for many reasons.

Officer Payne is a retired Kentucky State Trooper. He currently works for the Jeffersontown Police Department. He was a use of force instructor



with KSP. He is a certified training instructor. He testified it is impossible to teach officers maneuvers to handle every possible situation because there are too many variables. He said it is important to react to threats immediately because "there's a lot of times out here things happen so fast and there's not a lot of stop and think time involved, and you need to be able to react." Officers are trained to maintain control over a prisoner's hands and their actions initially with verbal directions. He said that he had seen prisoners urinate on themselves in order to prevent searches. He said, "Just because someone is handcuffed does not mean he/she is under control." Sometimes officers have used deadly force against handcuffed prisoners with justification. He said that just because a person is handcuffed does not mean that he can no longer hurt the officer.

Officer Payne said he was familiar with the PPCT procedure, which is widely used throughout the United States. He reviewed the Employer's use of force policy, which is taken directly from the PPCT manual. He emphasized the importance of non-verbal cues given by prisoners. They do not turn and say, "I am going to do this to you." He said a trained officer can feel a prisoner tighten up and get ready to do something. He said one cannot see that, an officer must feel it happen. When a prisoner gives such non-verbal cues, that is the officer's cue to be ready to do something.

With respect to the Grievant's actions in this case, he expressed the opinion that the take-down was proper. He considered the use of force continuum as a guide for officers. The amount of force an officer can use is dependent upon the type of resistance being offered by the inmate. He said that given the circumstances of this case, the Grievant would have been justified in using any force up to and including Hard Empty Hand control. He said the Grievant's actions were actually less than those permitted by the Employer's policy. The Grievant only used Soft Empty Hand control methods in the take-down. He would have been justified in the use of either O.C. spray or Hard Empty Hand control. Officer Payne noted that the Employer's policy is verbatim from the copyrighted PPCT manual. He expressed the opinion that the Grievant's actions were justified under the circumstances.

Furthermore, Officer Payne said that he was familiar with the Jefferson County Jail. He had seen other take-downs occur in the intake area. He stressed that in real life, things happen very quickly and officers have to move quickly in reacting to perceived threats, which cuts into their reaction time.

The Union argues that the Employer did not meet its burden of establishing that the Grievant violated the Employer's use of force policy. The Union actually proved that the Grievant's actions were in conformity with the policy. Thus, the charges against the Grievant have not been factually proven.

In this case, it is incumbent upon the Employer to prove by clear and convincing evidence that the Grievant violated the Employer's policy. It failed to do so. When an Employer brings specific factual charges against an officer, it must prove all of the elements of the charges. It simply failed to do so in this case.

Next, the Union argues that the punishment was disproportionately severe under the circumstances of this case. Further, there has been disparate treatment of the Grievant in this case. There was considerable testimony that other officers have used take-downs in the past without receiving discipline. The Union also argues that the Grievant may not have been properly trained in the handling of this particular kind of situation. The Union also contends that the Employer did not take into consideration the Grievant's good work record. Progressive discipline was not used in this case. Moreover, there was credible evidence of anti-Union bias being directed toward the Grievant in this matter.

Furthermore, the Employer's rules and the way that it has trained the employees with respect to those rules were not clear and understandable. The different witnesses who testified at the hearing had different interpretations of the proper level of force that would be appropriate in the circumstances of this case. Union witness Payne gave clear and credible testimony that the force used in this case was reasonable and proper. Finally, there is no evidence from

which the Employer could reasonably infer that the Grievant is likely to engage in similar misconduct in the future. For the foregoing reasons, the Union requests that the grievance be sustained.

### DISCUSSION

Based on the provisions of the contract, the testimony given at the hearing and the arguments of the representatives of the parties, the Arbitrator has concluded that the discharge was not for just cause. Therefore, the Grievant is reinstated with back pay.

Many of the facts in this case are undisputed, and the entire incident was videotaped. However, there was no audio recording of what was happening on the grill. It is clear that when Inmate Smith was brought into the grill, he was being uncooperative. It was undisputed that he was somewhat intoxicated, although this was not obvious to the Arbitrator based on his movements on the videotape. He appeared to the Arbitrator to be well-coordinated and in fairly good control of his actions. It was also clear from the documentary evidence and the testimony of Officer Hawkins that Inmate Smith was engaging in conversation with the Grievant. It is also clear from Officer Hawkins' testimony that Inmate Smith was not obeying the Grievant's orders to him.

Everyone agreed that it was proper for the Grievant to handcuff Inmate

Smith. The Grievant placed Inmate Smith's hands behind him when he handcuffed him, making him less a threat than would otherwise have been the case. In order for the Grievant to complete the search, he directed Inmate Smith to place his head on the wall and to move his feet away from the wall. Apparently, the purpose of doing this was to make it more difficult for Inmate Smith to stand upright. It is clear to the Arbitrator that Inmate Smith could not have attacked the Grievant if his feet were some distance from the wall with his head leaning into the wall. Everyone seemed to think that this was a proper technique.

The verbal interaction between the Grievant and Inmate Smith is important. The Grievant said he believed that Inmate Smith was about to "explode." Several circumstances tend to corroborate the Grievant's testimony that Inmate Smith was on the verge of losing all control. His actions are clearly visible on the videotape. It was undisputed that Officer Estes made some verbal effort to calm Inmate Smith down. Officer Hawkins also, in effect, testified that Inmate Smith was unruly and highly agitated. In short, the Arbitrator thinks that Inmate Smith's state of mind was better understood by the Grievant than anyone else who was a participant in the event or who later observed it. The fact that Inmate Smith was upset and might "explode" was a circumstance which reasonably made the Grievant more cautious in dealing

with him than he might have been with a completely compliant prisoner.

It is also undisputed that the Grievant told Inmate Smith several times that if he refused to cooperate, he would be put on the floor to be searched. This testimony was corroborated by Officer Hawkins, who also expressed the opinion that if one tells an inmate he will be taken to the floor if he did not cooperate, the officer needs to follow up with a take-down if the inmate continues to refuse to cooperate. There was no evidence that Inmate Smith began cooperating after being warned.

What happened in the next two or three seconds is what led to the discharge. Everyone agreed that the Grievant committed no wrong when he put his hand and arm between Inmate Smith's left arm and his body. In one more or less continuous motion, the Grievant raised his arm to a location up around Inmate Smith's neck. At this point, one can see on the videotape that Inmate Smith is either turned toward the Grievant or turns himself toward the Grievant. The Arbitrator and Major Dietz watched the videotape several times in an effort to determine precisely what happened at this moment. The Grievant unequivocally stated that Inmate Smith turned toward him and that he became concerned Inmate Smith could spit on, bite or headbutt him. The Arbitrator and Major Dietz questioned whether it happened as the Grievant later stated in the hearing. Neither Officers Estes nor Hawkins has ever said

that the Grievant turned Inmate Smith or ordered Inmate Smith to turn toward him. The Grievant has never said that he turned Inmate Smith toward himself. On this very narrow point, the Arbitrator must conclude that a preponderance of the evidence establishes that the Inmate Smith turned toward the Grievant, and that the Grievant did not force him to turn in his (the Grievant's) direction.

When one takes into account Inmate Smith's previous uncooperativeness, the warning he was given that he would be put on the floor, the tensing up of his muscles and his turning toward the Grievant, the Arbitrator concludes that the Grievant was justified in taking defensive measures at this point. The measures include the take-down that the Grievant executed. The preponderance of the evidence establishes the Grievant had reason to believe Inmate Smith was turning toward him. The Arbitrator does not think the Grievant was required to wait until Inmate Smith either spit on or headbutted him to take action. It would be inconsistent with the Employer's policy to say that the Grievant had to wait until he was actually assaulted to take defensive measures to protect himself. This is not required by any regulation, the Code of Conduct or the use of force continuum.

The Employer makes several points to which the Arbitrator must respond. The Employer faults the Grievant for not calling a supervisor. There are several responses to this argument. The Grievant was the busiest of the

three Corrections Officers at the time of the take-down. Officers Estes and Hawkins were in a better position to contact a supervisor than the Grievant, and there was testimony that the Grievant did not have a radio on him at the time. The Arbitrator thinks it would have been unwise for the Grievant to have turned Inmate Smith loose in order to call a supervisor. The Arbitrator thinks that the incident escalated so quickly that there simply was no time for the Grievant to call a supervisor.

The Employer argued that because I noted Inmate Smith was handcuffed, he was not a threat. The Arbitrator disagrees. I noted Inmate Smith appeared "about to explode." Immediately before the take-down he was in a position where he could have kicked, bit or headbutted the Grievant with virtually no warning. Based on what Inmate Smith was saying, the Grievant reasonably considered him a threat, even though he was handcuffed.

The Employer also argued that the Grievant had other options that he could have used, one of which was involving Officers Hawkins and Estes in a gentler take-down. This would be true if the Grievant had more time to reflect and think about his options. However, it must be noted that when Inmate Smith tensed up and turned toward the Grievant, the Grievant simply did not have time to think, "Now, should I call a supervisor, should I ask for help from Estes and Hawkins, or just what else might I do?" At that point, for all the



Grievant knew, Inmate Smith was about to kick, spit on or headbutt him. In these circumstances the Arbitrator does not think that it was unreasonable for the Grievant to take Inmate Smith to the floor in the manner he did. Further, it was undisputed that Officers Hawkins and Estes had a duty to assist in maintaining control of Inmate Smith, but both appeared to be spectators. The Arbitrator reaches this conclusion even though Officer Estes did engage in some brief conversation with Inmate Smith.

There was disputed testimony regarding whether Inmate Smith offered Passive or Defensive Resistance. Sergeant Collins gave testimony that if Inmate Smith just tensed up, he would only be engaging in passive resistance. It should be noted that the question which Officer Collins was originally asked was what type of resistance would Inmate Smith have been offering had he "tensed up and turned toward" the Grievant. His response was that it would have been passive resistance "if he just tensed up." It is not clear to the Arbitrator that Officer Collins really answered the question he was asked. It was clear from his cross-examination and the testimony of Officer Payne that he thought the actions of tensing up and turning toward the Grievant were defensive resistance, which would have justified the take-down insofar as the use of force continuum is concerned.

The Arbitrator thinks that Inmate Smith offered Defensive Resistance

or, at a minimum, the Grievant could reasonably have interpreted his actions of tensing up and turning toward the Grievant as Defensive Resistance. Defensive Resistance is "physical actions that attempt to prevent officers' control." By Inmate Smith's tensing up and turning as he did, the Grievant could reasonably have thought that Inmate Smith was attempting to prevent him from controlling Smith. Thus, the take-down was an appropriate response, whether it was Hard or Soft Open Hand. For all of these reasons, the grievance is sustained.

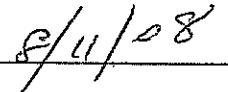
#### AWARD

The grievance is sustained. The Grievant is reinstated with back pay.



EDWIN R. RENDER  
ARBITRATOR

DATE



LMO

FEB 05 2007

Director Sidebottom,

Director

Per your request I am submitting this rebuttal to the attached disciplinary I was served by Capt Baker. I believe this disciplinary is discriminatory and baseless. I repeatedly told Capt Baker I had no tobacco on me at the time of this incident and was called a liar. Capt Baker was not present at the time of the incident and is going off an assumption. I know that if I write an inmate up for contraband it's thrown out if I don't see it or can't produce it. Is there a difference here?

As you can see from the attached statements, I have been singled out. And for what reason? To put a dent in my personnel file to derail a future promotion? Retaliation? Just for spite? My attorney thinks it is all the above. I maintain constant professionalism at work, but the truth of the matter is I have a current and on-going EEOC complaint against this department and certain members of it, Capt Baker included. Taken in this light, this disciplinary can be nothing more than what I maintain it to be: A spiteful and retaliatory effort to have a negative impact on my career. Which is how these things get started in the first place.

It is beyond me to care what dishonorable people bring on themselves but I call attention to the fact that your initials are on this disciplinary. I feel that you were led to believe this disciplinary was something that it wasn't and I think you are a man of honor who would not wish to give the appearance of being party to a write-up that is based on discrimination and retaliation. I ask that you dismiss this unfair disciplinary and expunge it from my file, which till now has been free of any discrepancies.

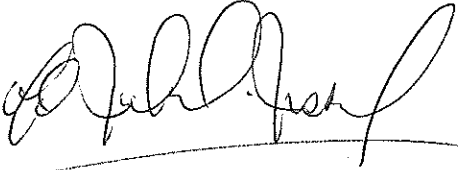
Thank you,

Ofc Tracy D Dotson

*Tracy D Dotson #671*

I Officer J Jessie some weeks ago was upset over an incident between Officer T Dotson and myself in which Officer T Dotson had spit in my pepsi bottle and I drank it . I am no longer angry or upset and feel it was all accidental. I had spoke with Officer Dotson about the incident and was hoping that no action would be take against Officer T Dotson

Officer J Jessie 02-03-07

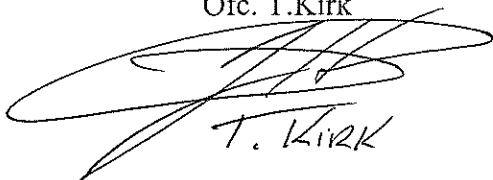


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I Officer T.Kirk have used tobacco products (smokeless tobacco) on the booking floor in front of Cpt. Baker , and have never received any disciplinary for it.

02/01/2007

Ofc. T.Kirk



T. KIRK

In the past I have used tobacco products, "smokeless tobacco", around Captain Baker and have never received any disciplinary or warnings.

Ofc. S. Thieneman #659

S. ~~\_\_\_\_\_~~ #659



Jefferson County Metro Government  
Position and Personnel Action Form



Department: Metro Corrections

Add      Change     

POSITION DATA Position Number 37000303

Effective Date:	Dept. ID:	Action Code:	Reason:	Class:
Budget Account:	Job Code:	Hours:	Class:	
Budget Account Location:	Dept.:	Division:	Unit Activity:	Account:
Fund:	Dept.:	Division:	Unit Activity:	Account:

PERSONAL DATA Employee ID 27246

Name	Effective Date: <u>10-22-04</u>	First Name: <u>TRACY</u>	MI: <u>D</u>	Last Name: <u>Dotson</u>
Marital Status:	<u>    </u> Single <u>    </u> Married	Original Hire Date:		
Address	Address 1:	City:	County:	Zip Code: State:
Phone	Home Phone:	Business Phone:		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>    </u> M <u>    </u> F	Birthdate:	Soc. Sec. #:	Ethnic:
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JOB DATA

Work Location	Effective Date: <u>10-22-04</u>	Action: <u>OTA PAY</u>	Reason: <u>CRS</u>
Job Info	Job Code:	Entry Date:	R/T: F/P:
Job Labor	Standard Hours:	Special Duty Elig.: <u>    </u> Y <u>    </u> N	FLSA Status: <u>    </u> Exempt <u>    </u> Nonexempt
Payroll	Union Code:	Union Sen. Date: <u>OK</u>	Leave Accrual Date: Longevity Date: <u>1-27-03</u>
Salary Plan	Pay Group: <u>Awo</u>	FICA Status: <u>    </u> Exempt <u>    </u> Sub. <u>    </u> Med.	Location: Dept.: Division: Unit Activity:
Compensation	Budget Account:	Fund: Dept.: Division: Unit Activity: Account:	Salary Admin Plan: Grade: Grade Entry Date:
	Step: <u>2</u>	Step Entry Date: <u>1-27-04</u>	Out of Step: <u>    </u> Y <u>    </u> X <u>    </u> N Time & Labor: <u>    </u> Y <u>    </u> N

Compensation

Base Rate Code: <u>NAHRLX</u>	Base Comp Rate: <u>13.47</u>	Old <u>12.80</u> New <u>12.80</u>
Total Hourly Comp Rate: \$ <u>13.47</u>		
Annual Rate: \$ <u>28,017.60</u>	Biweekly Rate: \$ <u>          </u>	
Rate Code: <u>          </u>	Comp Rate: <u>          </u>	
Rate Code: <u>          </u>	Comp Rate: <u>          </u>	
Rate Code: <u>          </u>	Comp Rate: <u>          </u>	
Rate Code: <u>          </u>	Comp Rate: <u>          </u>	

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>    </u> S <u>    </u> M	Withholding Allow.:	Add'l Withholdings: \$
State Tax 1	State:	Resident: <u>    </u> Y <u>    </u> N	Marital Status: <u>    </u> S <u>    </u> M	WH Allow: Add'l WH: \$
Local Tax	Locality:	Other Work Locality:	Branch (for Library Use):	
TAX DISTRIBUTION	Effective Date: Same As Last Date	State:	Locality:	Distribution: <u>100%</u>

APPROVALS

*per grievance response dated 9-8-06*

Agency Director: <u>[Signature]</u>	Date: <u>10/25/06</u>	Budget (if applicable):	Date:	Mayor's Office: <u>[Signature]</u>	Date: <u>10-31-06</u>
Director of Civil Service: <u>[Signature]</u>	Date:	Director of Human Resources: <u>[Signature]</u>	Date:		

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 CIVIL SERVICE BOARD

Louisville-Jefferson County Metro Government  
Position and Personnel Action Form

Department: Metro Corrections

Add      Change     

POSITION DATA Position Number 37006303

Effective Date:	Dept. ID:	Action Code:	Reason:
Budget Amount:	Job Code:	Hours:	Class. Ind.:
Budget Account/Location:			
Fund:	Dept.:	Division:	Unit Activity:
Account:		Account:	

KEY  
11  
11

PERSONAL DATA Employee ID 27246

Name	Effective Date: <u>1-1-05</u>	First Name: <u>TRACY</u>	MI: <u>D</u>	Last Name: <u>DOTSON</u>
Marital Status:	Original Hire Date:			
Address	Address 1:	City:	County:	Zip Code:
Phone	Home Phone:	Business Phone:		

B

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>    </u> M <u>    </u> F	Birthdate:	Soc. Sec. <u>                    </u>	ethnic:
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JOB DATA

Job Title: Correction Officer

Work Location	Effective Date: <u>1-1-05</u>	Action: <u>DTA</u>	Reason: <u>CAD</u>	<u>LV Accr D only</u>
Job Info	Job Code:	Entry Date:	R/T:	F/P:
Job Labor	Standard Hours:	Special Duty Elig.: <u>    </u> Y <u>    </u> N	FLSA Status: <u>    </u> Exempt <u>    </u> Nonexempt	
Payroll	Union Code:	Union Sen. Date:	Leave Accrual Date: <u>1-27-03</u>	Longevity Date:
Salary Plan	Pay Group: <u>A00</u>	FICA Status: <u>    </u> Exempt <u>    </u> Sub. <u>    </u> Med.	Location:	
Compensation	Budget Account:	Fund:	Dept.:	Division:
	Salary Admin Plan:	Grade:	Grade Entry Date:	
	Step:	Step Entry Date:	Out of Step: <u>    </u> Y <u>    </u> N	Time & Labor: <u>    </u> Y <u>    </u> N

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>    </u> S <u>    </u> M	Withholding Allow.:	Add'l Withholdings: \$
State Tax 1	State:	Resident: <u>    </u> Y <u>    </u> N	Marital Status: <u>    </u> S <u>    </u> M	WH Allow.:
Local Tax	Locality:	Other Work Locality:	Branch (for Branches/Units):	

TAX DISTRIBUTION

Effective Date: Same as Tax Data	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

<u>[Signature]</u>	<u>10/25/06</u>	Date	Budget (if applicable)	Date	Mayor's Office	Date
Agency Director					<u>[Signature]</u>	<u>10-31-06</u>
Director of Civil Service	Date	Director of Human Resources	Date			

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LOCAL CIVIL SERVICE BOARD



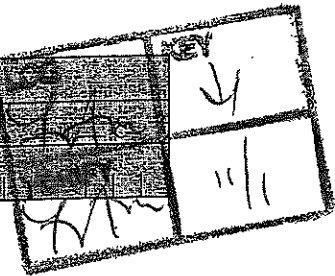
Louisville-Jefferson County Metro Government  
Position and Personnel Action Form

Department: Metro Corrections

Add      Change     

POSITION DATA Position Number 37000303

Effective Date:	Dept. ID:	Action Code:	Reason:
Grade/Amount:	Job Code:	Hours:	Class/Ind.:
Budget (Fund/Location):	Dept.:	Division:	Unf. Security:
Fund:	Dept.:	Division:	Account:



PERSONAL DATA Employee ID 27246

Name	Effective Date: <u>1-27-05</u>	First Name: <u>TRACY</u>	MI: <u>D</u>	Last Name: <u>DOTSON</u>
Address	Marital Status: <u>    </u> Single <u>    </u> Married	Original Hire Date:		
Phone	Address 1:	City:	County:	Zip Code:
	Home Phone:	Business Phone:		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>    </u> M <u>    </u> F	Birthdate:	Soc. Sec. <u>                    </u>	Ethnic:
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JOB DATA

Job Title: Correction Officer

Work Location	Effective Date: <u>1-27-05</u>	Action: <u>DTA PPM</u>	Reason: <u>CRS / CPS SPG</u>
Job Info	Job Code:	Entry Date:	R/T: <u>    </u> F/P: <u>    </u>
Job Labor	Standard Hours:	Special Duty Elig.: <u>    </u> Y <u>    </u> N	FLSA Status: <u>    </u> Exempt <u>    </u> Nonexempt
Payroll	Union Code:	Union Sen. Date:	Leave Accrual Date:
Salary Plan	Pay Group: <u>Awo</u>	FICA Status: <u>    </u> Exempt <u>    </u> Sub. <u>    </u> Med.	Location:
	Budget Account:	Fund:	Dept.:
	Salary Admin Plan:	Grade:	Grade Entry Date:
	Step: <u>3</u>	Step Entry Date: <u>1-27-05</u>	Out of Step: <u>    </u> Y <u>    </u> N
			Time & Labor: <u>    </u> Y <u>    </u> N

Compensation

Base Rate Code: <u>NAHR</u>	Base Comp Rate: <u>13.92</u>	Additional Rate Codes and Rates:
	Old <u>12.80</u> New <u>12.80</u>	
	<u>13.97</u>	
Total Hourly Comp Rate: <u>\$ 13.92</u>		Rate Code: <u>    </u> Comp Rate: <u>    </u>
Annual Rate: <u>\$28,953.60</u>	Biweekly Rate: <u>    </u>	Rate Code: <u>    </u> Comp Rate: <u>    </u>
		Rate Code: <u>    </u> Comp Rate: <u>    </u>
		Rate Code: <u>    </u> Comp Rate: <u>    </u>

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>    </u> S <u>    </u> M	Withholding Allow.: <u>    </u>	Add'l Withholdings: \$ <u>    </u>
State Tax 1	State:	Resident: <u>    </u> Y <u>    </u> N	Marital Status: <u>    </u> S <u>    </u> M	WH Allow: <u>    </u> Add'l WH: \$ <u>    </u>
Local Tax	Locality:	Other Work Locality		Branch (for Labratory/Dept): <u>    </u>

TAX DISTRIBUTION

Effective Date: <u>Same as Action Date</u>	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

<u>[Signature]</u>	Date: <u>10/25/06</u>	Budget (if applicable):	Date:	Mayor's Office:	Date:
Agency Director				<u>[Signature]</u>	<u>10-31-06</u>
Director of Civil Service	Date:	Director of Human Resources	Date:		

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Louisville-Jefferson County Metro Government  
Position and Personnel Action Form

Department: Metro Corrections

Add      Change     

POSITION DATA Position Number 37000303

Effective Date:	Denial:	Action Code:	Reason:	KEY
Budget Account:	Job Code:	Hours:	Class Ind:	↓
Budget Account Location:	Band:	Dept:	Division:	Unit Activity:
Account:	AM 11/1			

PERSONAL DATA Employee ID 27246

Name	Effective Date: <u>7-1-05</u>	First Name: <u>TRACY</u>	MI: <u>D</u>	Last Name: <u>Dotson</u>
Address	Marital Status: <u>    </u> Single <u>    </u> Married	Original Hire Date:		
Phone	Address 1:	City:	County:	Zip Code:
	Home Phone:	Business Phone:		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>    </u> M <u>    </u> F	Birthdate:	Soc. Sec. <u>                    </u>	Ethnic:
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JOB DATA Job Title: Correction Officer

Work Location	Effective Date: <u>7-1-05</u>	Action: <u>DTA PAY</u>	Reason: <u>CRS / CRS</u>	COR
Job Info	Job Code:	Entry Date:	R/T:	F/P:
Job Labor	Standard Hours:	Special Duty Elig: <u>    </u> Y <u>    </u> N	FLSA Status: <u>    </u> Exempt <u>    </u> Nonexempt	
Payroll	Union Code:	Union Sen. Date:	Leave Accrual Date:	Longevity Date:
Salary Plan	Pay Group: <u>RWO</u>	FICA Status: <u>    </u> Exempt <u>    </u> Sub <u>    </u> Med	Location: Dept:	Division:
	Budget Account:	Fund:	Dept:	Division:
	Salary Admin Plan:	Grade:	Grade Entry Date:	
	Step:	Step Entry Date:	Out of Step: <u>    </u> Y <u>    </u> N	Time & Labor: <u>    </u> Y <u>    </u> N

Compensation

Base Rate Code:	Base Comp Rate: <u>14.20</u>	Additional Rate Code and Pay:
Old: <u>13.06</u>	New: <u>13.06</u>	
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Annual Rate: <u>29,536.00</u>	Rate Code:	Comp Rate:
Biweekly Rate:	Rate Code:	Comp Rate:

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>    </u> S <u>    </u> M	Withholding Allow.:	Add'l Withholdings: \$
State Tax 1	State:	Resident: <u>    </u> Y <u>    </u> N	Marital Status: <u>    </u> S <u>    </u> M	WH Allow: Add'l WH: \$
Local Tax	Locality:	Other Work Locality:	Branch (for Laboratory):	

TAX DISTRIBUTION

Effective Date: <u>10-22-05</u>	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

     10-22-05  PAY-COR TO \$14.20

Agency Director: <u>    </u>	Date: <u>10/25/06</u>	Budget (if applicable):	Date:	Mayor's Office: <u>    </u>	Date: <u>10-31-06</u>
Director of Civil Service: <u>    </u>	Date:	Director of Human Resources: <u>    </u>	Date:		

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Louisville-Jefferson County Metro Government  
Position and Personnel Action Form

Department: Metro Corrections

Add      Change     

POSITION DATA Position Number 37000303

Effective Date:	Den/ID:	Action Code:	Reason:
Rate/Amount:	Job Code:	Hours:	Class:
Budget Account/Location:	Fund:	Dept:	Division:
Account:	Activity:	Account:	

PERSONAL DATA Employee ID 27246

Name	Effective Date: <u>1-27-06</u>	First Name: <u>TRACY</u>	MI: <u>D</u>	Last Name: <u>DOTSON</u>
Address	Marital Status: <u>    </u> Single <u>    </u> Married	Original Hire Date:		
Phone	Address 1:	City:	County:	Zip Code:
	Home Phone:	Business Phone:		

PERSONAL PROFILE/ELIGIBILITY/IDENTITY

Gender: <u>    </u> M <u>    </u> F	Birthdate:	Soc. Sec. <u>                    </u>	Ethnic:
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JOB DATA

Job Title: Correction Officer

Work Location	Effective Date: <u>1-27-06</u>	Action: <u>DTA PAY</u>	Reason: <u>CRS / CPS SPG</u>
Job Info	Job Code:	Entry Date:	R/T: <u>    </u> F/P: <u>    </u>
Job Labor	Standard Hours:	Special Duty Elig: <u>    </u> Y <u>    </u> N	FLSA Status: <u>    </u> Exempt <u>    </u> Nonexempt
Payroll	Union Code:	Union Sen. Date:	Leave Accrual Date:
Salary Plan	Pay Group: <u>RWO</u>	FICA Status: <u>    </u> Exempt <u>    </u> Sub <u>    </u> Med	Location: <u>    </u>
	Budget Account:	Fund:	Dept:
	Salary Admin Plan:	Grade:	Grade Entry Date:
	Step: <u>4</u>	Step Entry Date: <u>1-27-06</u>	Out of Step: <u>    </u> Y <u>    </u> N
			Time & Labor: <u>    </u> Y <u>    </u> N

Compensation

Base Rate Code: <u>NAHR</u>	Base Comp Rate: <u>14.66</u>	Additional Rate Codes and Pay:
	Old <u>13.74</u> New <u>13.74</u>	
	<u>14.25</u>	
Total Hourly Comp Rate:	\$ <u>14.66</u>	Rate Code: <u>    </u> Comp Rate: <u>    </u>
Annual Rate	\$ <u>30,492.80</u>	Rate Code: <u>    </u> Comp Rate: <u>    </u>
Biweekly Rate	\$ <u>    </u>	Rate Code: <u>    </u> Comp Rate: <u>    </u>

EMPLOYEE TAX DATA (Attach appropriate tax forms)

Federal Tax 1	Eff. Date:	Marital Status: <u>    </u> S <u>    </u> M	Withholding Allow.: <u>    </u>	Add'l Withholdings: \$ <u>    </u>
State Tax 1	State:	Resident: <u>    </u> Y <u>    </u> N	Marital Status: <u>    </u> S <u>    </u> M	WH Allow.: <u>    </u> Add'l WH: \$ <u>    </u>
Local Tax	Locality:	Other Work Locality:	Branch/In/Agency/Use:	

TAX DISTRIBUTION

Effective Date: Same As Last Date	State:	Locality:	Distribution: <u>100%</u>
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APPROVALS

     10-22-06  PAY-COR TO \$14.66

Agency Director	Date: <u>10/25/06</u>	Budget (if applicable)	Date:	Mayor's Office	Date: <u>10-31-06</u>
Director of Civil Service	Date:	Director of Human Resources	Date:		

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LOU CIVIL SERVICE BOARD

RECEIVED

# CALCULATE ADJUSTED PAY DATE

Employee: Tracy Dotson (27246)

Date: 10/13/06

Calc new date minus time gone

start date	end date	100%
5/12/00	2/5/02	1.736
Adj Date @	10/22/04	1/27/03

- ALSO LV RLR DT

- ACCRUAL CHANGES EFF 1-1-05

start date	end date	100%
1/27/03	10/22/04	1.736

## Step Entry At

\* 10-22-04 (1yr) Step 2 13.47 (12.80) .67 1-27-04  
 \* 1-1-05 LV RLR DT TO 1-27-03 (12.80) 1.12 1-27-05  
 \* 1-27-05 (2yrs) Step 3 13.92  
 \* 7-1-05 - 10/21/05 " 14.20 (13.06) 1.14 " "  
 10/22/05 - 1/26/06 14.20 (13.74) 16-22-05 SFC to Step 2 13.74  
 \* 1-27-06 (3yrs) Step 4 14.66 (13.74) .92 1-27-06

10/22/04 - 1/26/05 (.67) 12.80 → 13.47  
 1/27/05 - 6/30/05 (1.12) 12.80 → 13.92  
 7/1/05 - 10/21/05 (.92) 13.74 → 14.66  
 1/27/06 - Present (.92) 13.74 → 14.66

Sandy can figure out Codes  
 Step entry only date