



Personnel Board

September 2, 2011

The Personnel Board was called to order by Jerry Nolen, Human Resources Director in a meeting held, Friday, September 2, 2011 at 8:10AM in the Conference Room at Pelham City Hall. This meeting was called with one item on the agenda which was to hear an appeal of disciplinary action against Police Officer Joey Pitts.

Present were Board members Jim Collins, and Mark Dell; also present were Jerry Nolen, Human Resources Director; and Janis Parks, Administrative Assistant. Police Officer Joey Pitts and his represented Counsel, Scott Morro.

As soon as the Board was called to order, the Board granted Mr. Morro an opportunity meet separately with Police Chief Tommy Thomas. They were excused from the meeting to a different room.

This will be noted in the minutes as a recess, until such time as Mr. Morro and the Chief return to Board meeting. Mr. Morro returned to request that Officer Pitts join them in the separate meeting.

At 8:15AM the Board reconvened the meeting however, Mr. Morro and Officer Pitts had not returned and the Board was advised they could resume any necessary business until all parties of the hearing were available. At approximately 8:16AM, Mr. Morro and Officer Pitts returned to the Board meeting.

Mr. Collins advised he would be leading the hearing as the chair for the Personnel Board and introduced Mark Dell and informed the parties that the other Board member, Jim Burks was unable to attend. Mr. Collins requested that Janis Parks review the guidelines of the hearing.

Ms. Parks explained under Civil Service Rule 6.10 the testimony and proceeding would be recorded and that minutes would be taken and available to all parties in the hearing. At that time, Ms. Parks had Officer Pitts submit to an oath that the testimony he was about to give was of his own free will and was true and accurate to the best of his knowledge. Officer Pitts affirmed his oath.

Mr. Collins then turned over the meeting to Officer Pitts to allow him to give his presentation of his response to the disciplinary action.

Following are excerpts from the testimony and all testimony is available for review on the audio recording:

Officer Pitts affirms his mistake in his actions and knows there are significant consequences. Officer Pitts also requested a review of the comparables of the same type offense and disciplinary action as he feels the 10 day suspension was excessive.

Mr. Dell asked Officer Pitts if he had received prior permission for approval of the off duty work. Officer Pitts advised yes and that he followed the chain of command. Mr. Dell questioned if he had been advised of what he could and couldn't do on duty. Officer Pitts advised of an incident that had occurred in 2007 with another action that happened in Fairfield. It was unfounded and subsequently dismissed. No disciplinary action was taken for that event.

Mr. Collins used the written statement by Officer Pitts to question the amount of time spend for the incident on the 25th, and Officer Pitts responded with about 15 minutes. Then on the day of the second event, how much time did that take, Officer Pitts advised approximately 20 to 30 minutes.

Mr. Collins affirmed Officer Pitt's prior statement of submitting to a polygraph at his own request, time and expense.

Mr. Delk addressed the additional complication of the surveillance. Did you miss any calls while you were on duty, to which Officer Pitts answered no.

Mr. Delk asked Officer Pitts what would be his suggestion of the disciplinary action instead of the 10 days? Officer Pitts answered 2 to 3 days.

Mr. Delk asked what he was doing with his real estate business at this time. Officer Pitts stated that as of August 3, based on the disciplinary action he had to get a number of transactions moved to another agent to take care of his business. Mr. Morro then stated that he felt the real estate business off duty would work itself out and he would not do any business in Pelham.

The Board had no other questions for Officer Pitts or Mr. Morro. The Board called no other witnesses. Mr. Morro requested to speak and address the Board on some procedural matters.

Mr. Morro stated that while Joey knows his actions were wrong, it was done in a convenience effort. Ethics looks at the Police Officer not using the position for

gain. Joey could have done these activities at lunch, but we don't know that. Mr. Morro requested that Joey's record be looked at as an officer. Mr. Collins stated that we do take this seriously and will look at all.

Mr. Morro advised that the comparables were not as he would be used to seeing however, as of recent 'negligent of duty' was not included. Seems to be a lot of weight on the drug surveillance in the write up and hope that was not the bearing of the 10 day suspension.

Mr. Delk asked if the databases of NCIC or ACJIS were used for any transaction. Officer Pitts stated no and that Captain Palmer had said they would check and they did. Officer Pitts state that he never used that database for any applicant.

Mr. Morro continued with the procedural questions of the notice of hearing was very unprofessional and that he was not copied. Since it had been know early that Officer Pitts would be represented by Counsel, he should have been copied on all notices. The comparables were not done properly and did not present with proper outcome.

Mr. Delk asked what was recent. Officer Pitts provided information of an incident where an officer received a call, placed himself in route and then on scene in the system, and had never responded to the call. That officer received a written reprimand for neglect of duty. Another incident involved a Traffic officer who was subsequently removed from the unit that did not respond to a call, but went by his residence and then responded to the call. The removal from the Traffic Unit was the disciplinary action for neglect of duty.

Mr. Nolen advised that our attorney said do not give names in the comparables. There was some confusion on the documents made available to the Board and Mr. Morro. The information was different and Mr. Nolen advised Mr. Delk there had been an updated list that he had not received.

Mr. Collins motioned to adjourn at 8:40AM, but was not agreed as the Board requested to convene in Executive Session. Mr. Collins requested that the following participants attend the Executive Session: Mr. Delk, Chief Tommy Thomas, and Captain Larry Palmer.

At 9:25AM the Executive Session ended. Mr. Collins advised the decision reached by the Board included the following:

1. Suspension upheld
2. Office Pitts will be allowed to continue his off duty work with no restrictions or limits of territory or city limits/boundaries.

Officer Pitts will be notified by letter of the outcome. The letter will contain the ruling with signatures by the attending Board members. Copies will be submitted to attendees.

The next quarterly meeting for the Personnel Board will be determined at a later date and the Board will be notified.

The Personnel Board concluded the meeting and dismissed at 9:25AM.