

NOTICE OF ADMINISTRATIVE LEAVE

To: [REDACTED]
From: James M. Adams, RS, MPH
Date: October 11, 2011
CC: File

This is a formal notice that I am directing you to appear at an investigatory hearing that will be conducted by the Board of Health to determine if the possible instances of employee misconduct that I briefly summarize in this memo may warrant disciplinary action including suspension, termination, or other disciplinary action. This investigatory meeting will take place on October 31, 2011 at 12:10 PM in the board room. At that time you will have an opportunity to answer the allegations that I am raising in this letter as well as to present any information about the incidents at issue.

I am holding this hearing for various reasons, including:

1. On October 11, 2011 you make threats of workplace violence to a coworker in violation of section 207.27 and 207.33 of the Canton City Health Code.

In addition I am placing you on administrative leave with pay effective immediately. You are to surrender your identification card and any keys to the building. You are not to enter or approach the building or employee parking lot. You are not to approach any other employees while on administrative leave.

SERVICE:

I certify that a copy of this notice was served to the individual named by personal service at the Canton City Health Department.

 //James M. Adams//
Name

 October 12, 2011
Date of Service

NOTES:

On 10/12/2011 at approximately 10:15 AM [REDACTED] informed me that she had a conversation with [REDACTED] in the restroom at approximately 10:00AM. She stated that [REDACTED] was very upset and angry toward me for some unknown reason. She stated that she was using the F word to describe me and it made [REDACTED] very upset. She further stated that [REDACTED] said that if she had a gun right now she would shoot me dead. She repeated this twice. This scared [REDACTED] and she immediately informed her supervisor and myself of the incident.

Upon consultation with the Law Department I prepared the attached letter and placed [REDACTED] on administrative leave pending a disciplinary hearing on 10/31/2011. I gave her this letter at approximately 11:15 AM on 10/12/2011. I retrieved her keys (she reported her ID lost) and escorted her out of the building without further incident.

10/12/2011 - JMA

Administrative Hearing Notes:

On October 31, 2011 a hearing was conducted by the Board of Health in executive session on this matter. [REDACTED] was present at the hearing. I presented the facts of this case and read the statement provided by [REDACTED] regarding the statements made by [REDACTED]. [REDACTED] stated that she did not say exactly what was reported by [REDACTED]. She stated that she told [REDACTED] that she was very frustrated and angry about the confusion related to her return to work [REDACTED]. She stated that Mr. Adams was not going to let her come back to work unless she completed a "bunch of tests" and that at that time she felt that if she had a gun she could shoot him. She denied repeating the statement.

[REDACTED] further stated that she had contacted two attorneys and that they advised her that this action "was crazy and without merit". She stated she was advised to ask for a continuance of the hearing to consider additional evidence or allow her to return to work under a probationary period. [REDACTED] stated that she had provided the Notice of Administrative Leave to the attorneys and that both she and they understood that a possible outcome of this hearing might be disciplinary action that could include termination.

The Board then interviewed [REDACTED] regarding her statement. [REDACTED] restated that [REDACTED] stated at the time of her conversation that if she had a gun she would shoot Mr. Adams. She stated that [REDACTED] made this statement twice.

Based on the information gathered at this hearing, the Board of Health determined that [REDACTED] did make threats of workplace violence directed toward Mr. Adams. They further determined that her actions were in violation of section 207.27 of the Canton City Health Code. They further determined that the appropriate disciplinary action was immediate termination.

I informed [REDACTED] of the Board's determination by phone by calling 330-412-4602 and that a letter would be following. She requested that she be notified when the letter was completed so she could pick up a copy for her attorney.

November 1, 2011



Canton, OH 44703

NOTICE OF TERMINATION

On October 31, 2011 a due process investigatory/disciplinary hearing was conducted by the Board of Health of the Canton City Health Department to determine possible instances of employee misconduct by you. Specifically, it is alleged that on October 11, 2011 you made threats of workplace violence toward the Health Commissioner. You were provided prior written notice of this hearing and were present during the hearing. The facts and charges were explained to you during this hearing and you had an opportunity to respond.

After a careful consideration of all the facts surrounding this allegation the Board of Health has determined through credible evidence that you made threats of workplace violence toward the Health Commissioner. The Board has further determined that these statements are a failure of good behaviour, are disruptive and disrespectful toward supervision, constitute insubordination in violation of section 207.27(B) of the Canton City Health Code, and are incompatible with employment by the Board of Health.

The Board of Health has determined that the appropriate discipline for this action is immediate termination of employment with the Board of Health. The Board further directs the Health Commissioner to take any and all appropriate actions to enforce this order.

By order of the Canton City Board of Health:

James M. Adams, RS, MPH
Health Commissioner

pc: File
Civil Service Commission