



North Carolina Department of Public Safety
Prisons

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner
George T. Solomon, Director

December 4, 2014

Yvonne Denise Bethel
Correctional Food Service Officer

[REDACTED]
Tabor Correctional Institution #4885
[REDACTED]

Re: Dismissal

Dear Ms. Bethel,

This letter is to inform you of management's decision concerning the recommendation for disciplinary action following our Pre-Disciplinary Conference held on Thursday, December 04, 2014. It is the decision of management to dismiss you, effective December 5, 2014 based on your Unacceptable Personal Conduct as defined in Section 7, page 3 of the State Human Resources Manual and the applicable Department of Public Safety Disciplinary Action Policy.

This decision was made after a review of all of the information available, including the current incidents of Unacceptable Personal Conduct, and the information you provided during the pre-disciplinary conference.

The specific reasons for your dismissal are:

- On September 16, 2014, Assistant Superintendent for Custody I, Mr. [REDACTED] received an anonymous telephone call indicating an alleged case of undue familiarity between you and inmate [REDACTED]. Management initiated an internal investigation. You were reassigned to Master Control effective Monday, September 22, 2014, throughout pendency of the investigation.
- In an interview and written statement dated September 30, 2014, Mr. [REDACTED] stated that on September 16, 2014 he received a phone call from an unidentified female alleging there was an Officer at Tabor Correctional Institution (Tabor CI) involved with her brother, inmate [REDACTED] OPUS # [REDACTED]. The caller stated that the Officer's name was Bethel.
- Mr. [REDACTED] stated that he checked the facility organizational chart and identified the Officer as Food Service Officer Yvonne Bethel. Mr. [REDACTED] checked visitation logs and discovered you were on inmate [REDACTED] visitation list as an approved visitor.
- On September 18, 2014, Mr. [REDACTED] arranged for Assistant Unit Manager, [REDACTED] to take a team to Maury Correctional Institution (where inmate [REDACTED] was housed at the time) to search

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Tabor Correctional Institution
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his personal property. During the search, the team found letters in inmate [REDACTED] possession that were written and signed by you. The content of the letters confirmed the allegations of a relationship between you and inmate [REDACTED]. One love letter written by you was dated July 11, 2014, which was after your employment with Tabor CI.

- In your interview and written statement on September 30, 2014, you admitted that you became friends with inmate [REDACTED] while you were employed at Scotland Correctional (Scotland CI). You also admitted that after resigning from that facility in 2012 you continued to communicate with inmate [REDACTED] by phone, letters, and visitation. Your actions are in violation of the NCDPS Division of Prisons Policy and Procedures Manual, Chapter A, Section .0200 Conduct of Employees: .0202 (f) page 3 and the NCDPS Department of Corrections Personnel Manual, Section 8, page 60.
- In your follow-up interview and written statement on October 16, 2014, you admitted you were guilty of Undue Familiarity with inmate [REDACTED] while you were employed as a Correctional Officer at Scotland CI in 2012. You admitted that you resigned because you realized that things were out of hand when other staff and inmates began talking about your relationship with [REDACTED]. You also admitted that after resigning in March of 2012, you continued to keep in touch with inmate [REDACTED]. You admitted that you used your money card to deposit money into inmate [REDACTED] trust fund account and that you sent pictures of yourself to inmate [REDACTED]. You admitted that you wrote him once in July 2014 after your re-employment with Tabor CI. You admitted that you wrote a letter entitled "Backroom Pleasure" which describes sexual acts. The letters indicate that you also have on-going communication with inmate [REDACTED] mother and sister. Your actions are in violation of the NCDPS Division of Prisons Policy and Procedure Manual, Chapter A, Section .0200 Conduct of Employees: .0202 (f), page 3 and the NCDPS Department of Corrections Personnel Manual, Section 8, page 60.
- Further, you did not disclose the true reason that you resigned from your previous position at Scotland CI on the Employment Application that you submitted to obtain your current position at Tabor CI. On your application, you indicated that your reason for leaving Scotland CI was "Career Change." You admitted in your interview and written statement on October 16, 2014, that you resigned because of your relationship with inmate [REDACTED]. Your actions are in violation of Section 2, page 36, and Section 7, page 3 of the State Human Resources Manual.

As a Correctional Food Service Officer, you are expected to follow all State, departmental and agency policies and procedures. You are expected to maintain personal dealings with inmates according to such policies. Your failure to report your Undue Familiarity with inmate [REDACTED], your subsequent failure to divulge this information on your employment application, and your continued correspondence with inmate [REDACTED] has caused Management to lose confidence in your ability to meet the standards of the Department of Public Safety.

According to the State Human Resources Manual, Section 7, page 3, Unacceptable Personal Conduct includes, *conduct for which no reasonable person should expect to receive prior warning; the willful violation of known or written work rules; conduct unbecoming a State employee that is detrimental to State service; and falsification of a State application or in other employment documentation.*

The NCDPS Division of Prisons Policy and Procedure Manual, Chapter A, Section .0200 Conduct of Employees: .0202 (f), page 3, states: "(3) No employee will engage in acts of horseplay or joking with inmates or deliver or send messages or engage in written personal correspondence or conversing with inmates via telephones or electronic devices. (4) An employee shall not knowingly make or maintain

contact with or in any way associate with a member of an inmate's family or close associates, unless his/her assigned duties require such an association or unless he/she has been specifically authorized to do so by the Prisons Director or report this fact to his superior at the earliest practicable time... (6) An employee shall not knowingly enter into a personal relationship with an inmate, an offender under supervision, their family members, or close associates.

(7) Any employee who learns that a person with whom they have had or have had a personal relationship has come under supervision of or is incarcerated by the Department of Public Safety shall report in writing to his/her supervisor within 48 hours of learning that the person is under supervision or incarcerated. Supervision includes probation, post-release supervision, and parole.

(8) Any employee involved in such personal dealings with inmates as outlined in section A.202 (f) will be subject to disciplinary action up to and including dismissal."

The Department of Corrections Personnel Manual, Section 8, page 60, states, "It shall be the policy of the Department of Correction to require all employees to maintain professional relationships with offenders in accordance with the laws, regulations, and general statutes governing such relationships."

The State Human Resources Manual, Workforce Planning, Recruitment, and Selection Policy, Section 2, page 36: "Applicant Information: Applicants must furnish true, accurate, and complete information and on a State application, or its equivalent, the following shall occur: (2) When an agency discovers, after employment, that an employee provided false or misleading information or concealed employment history or other required information significantly related to job responsibilities, but not used to meet minimum qualifications, disciplinary action is required and shall be administered in accordance with the following criteria: (3) When an agency discovers that an employee was selected based on false or misleading work experience, education, registration, licensure or certification information in order to meet position qualifications, the employee shall be dismissed, regardless of length of service."

The Department of Public Safety Division of Adult Correction requires annual and semi-annual training to remind and reinforce the expectation for employees to comply with certain agency, State and federal policies. You most recently attended the following training on the dates indicated: Staff & Offender Relations for DOC Staff on October 19, 2010, Professional Ethics (Traditional) on October 25, 2010, and DOC Staff/Offender Relationships: Maintaining Professional Boundaries on April 1, 2009.

During the pre-disciplinary conference on Thursday, December 4, 2014, you admitted that undue familiarity started with inmate [REDACTED] when you were employed at Scotland Correctional Institution. You also admitted you were not completely truthful on your application when you applied for employment at Tabor Correctional Institution. You admitted to contacting inmate [REDACTED] and depositing money into his account after your employment at Tabor Correctional Institution. The information that you provided during the pre-disciplinary conference further supported the fact that you violated policy and substantiates your dismissal.

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve problems that may be affecting their personal or work life. You are eligible for EAP benefits up to 30 days from your receipt of this letter. If you have the need for counseling or assistance regarding these matters or need additional information, please contact McLaughlin Young Group at 704-717-5295 or 888-298-3907. They are available 24 hours a day, 7 days per week toll free.

If you are a "career State employee" (as defined in N.C.G.S. 126-1.1) and wish to appeal this decision, you must do so in writing within fifteen (15) calendar days. The appeal must be submitted by using the Step 1 Grievance Filing Form HR 555. The appeal must be mailed to the Grievance Intake Coordinator, Department of Public Safety, 512 N. Salisbury Street, 4201 Mail Service Center, Raleigh, NC 27699-

Ms. Yvonne Bethel
Dismissal
December 5, 2014
Page 3 of 4

4201. As an alternative to mail, the appeal may be emailed to Grievance.Appeals@ncdps.gov, or hand delivered to the State Capitol Police, 417 N. Salisbury Street, Raleigh, NC 27603, between the hours of 8:00 a.m. and 5:00 p.m. Regardless of the method of filing, the appeal must be received by the Grievance Intake Coordinator on or before the fifteenth (15th) calendar day after receiving this letter in order to be timely filed. Failure to comply with this time constraint shall result in your appeal not being accepted and it will be administratively closed. I have attached a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) for your review. If you are not a "career State employee" (as defined in N.C.G.S. 126-1.1), this action is final and carries no appeal rights.

NCGS 126-23 (a) (11) provides that dismissal letters are public information and must be released, if requested.

Sincerely,

Patsy Chavis

Ms. Patsy Chavis

Facility Administrator, Tabor Correctional Institution #4885

By signing this letter, I acknowledge receipt of this notice of dismissal letter, a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) and the Department of Public Safety Grievance Filing Form that are attached.

Employee Signature:

Yvonne Bethel

Date:

12-5-14

Witness:

Steven Rawson

Date:

12-5-14

Witness Printed Name:

Steven Rawson

Enclosure:

State Human Resources Manual, Employee Grievance Policy
Department of Public Safety Grievance Filing Form HR 555

cc:

Unit File

Personnel File -- Raleigh

Employee Relations

Ms. Yvonne Bethel
Dismissal
December 5, 2014
Page 4 of 4



North Carolina Department of Public Safety
Prisons

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner
George T. Solomon, Director

October 21, 2014

Bucephalus J. Edge
Correctional Officer

[REDACTED]
Tabor Correctional Institution #4885
[REDACTED]

Re: Dismissal

Dear Mr. Edge:

This letter is to inform you of management's decision concerning the recommendation for disciplinary action following our Pre-Disciplinary Conference held on October 20, 2014. Management has decided to dismiss you, effective October 21, 2014 based on Unsatisfactory Job Performance as defined in Section 7, page 4 of the State Human Resources Manual and the applicable Department of Public Safety Disciplinary Action Policy.

This decision was made after a review of all of the information available, including prior disciplinary actions, the current incidents of Unsatisfactory Job Performance, and the information you provided during the pre-disciplinary conference.

The first issue for your dismissal is as follows:

- On June 19, 2014, you were scheduled to work from 5:45 P.M. until 6:00 A.M. You failed to report as scheduled. As a result, Management initiated an investigation.
- In his interview and written statement dated June 27, 2014, Sgt. [REDACTED] stated that on June 18, 2014 at approximately 6:40 P.M., you informed him that your Godmother had passed away and that you needed the next night off in order to attend the funeral. He stated that you indicated that the funeral was scheduled at 12:30 P.M. on June 19, 2014. Sgt. [REDACTED] stated that he checked the schedule, and when he saw that there was not sufficient coverage for the facility he told you that he could not approve your request to be off work.

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- In your interview and written statement on June 27, 2014, you admitted that Sgt. ██████ told you he could not give you the night off; and stated that Sgt. ██████ approved for you to come in late. In his interview and written statement, Sgt. ██████ denied approving you to come in late. You stated that on June 19, 2014, you attended the funeral, spent time with your family, went home, and fell asleep. You stated that you woke up at 12:30 A.M., had a headache, and went back to sleep. You admitted that you failed to report to work for shift line up, and that you failed to contact the Officer in Charge (OIC) to report your absence. This is a violation of Tabor Correctional Institution Standard Operating Procedures Chapter II, Section .1700 Absentee and Tardiness policy.
- ██████ Assistant Unit Manager was present during the conversation between you and Sgt. ██████. In his interview and written statement dated June 27, 2014, he corroborated Sgt. ██████ statement that you were not approved to be off on June 19, 2014. He also stated that you did not notify him that you would be late or that you would not report to work on June 19, 2014.

The second issue for your dismissal is as follows:

- On June 28, 2014 at approximately 11:05 P.M., you were observed in non-alert status while you were on duty at the Green Unit ABC Control Booth. Management initiated an investigation regarding this matter also.
- In his interview and written statement dated July 11, 2014, Captain ██████ stated that he was making rounds on the Green Unit. He stated that as he approached the control room, he observed you with your head back on the chair and your mouth open. He further stated that he "went back to DEF Corridor and advised the Unit Sergeant to get relief for Officer Edge." He stated that he later met with you in his office and asked you why you were asleep. Captain ██████ stated that you indicated that you were not aware that you were sleeping. This is a violation of the NCDPS Division of Prisons Policy Manual, Chapter F, Management of Security Posts, Section .1605.
- In your interview and written statement dated July 3, 2014, you stated that you informed Captain ██████ that you "didn't realize that he was standing at C44 slider."
- The facility video footage shows you sitting in a chair with your head laid back, appearing to be in a non-alert status on June 28, 2014 at approximately 11:05 P.M.

As a Correctional Officer, you are expected to follow all State, departmental and agency policies and procedures. You are expected to report for duty in accordance with the applicable policies and procedures. You are also expected to remain alert while on duty. Your failure to report for duty as assigned and failure to remain alert has caused Management to question your ability to meet the standards of the Department of Public Safety.

The State Human Resources Manual, Section 7, page 4, defines Unsatisfactory Job Performance as, "work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, work plan, or as directed by the management of the work unit or agency". The NCDPS Department of Correction Personnel Manual Section 6, page 35, states "Unsatisfactory Job Performance refers to work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work standard, or as directed by the supervisor(s) or manager(s) of the work unit." The policy also gives examples of Unsatisfactory Job Performance which includes, "Failure to report for duty at the assigned time and place" and "Failure to follow established safety policies and procedures." Additionally, the NCDPS Department of Correction Personnel Manual, Section 6, page 36, states that, "Failure to remain alert on the job, resulting in possible threat to security and safety of the State, Department, citizens, employees, inmates, probationers, or parolees" is an example of Grossly Inefficient Job Performance.

The Tabor Correctional Institution Standard Operating Procedures Chapter II, Section .1700 Absentee and Tardiness requires that "all employees provide notification to their supervisor (the facility OIC) at least 30 minutes prior to their scheduled reporting time in the event they are going to be absent and/or tardy from work. An employee's failure to report their absence and/or tardiness per policy will not be tolerated except in a bonafide emergency, i.e. vehicle accident, hospital emergency, etc. Employees that fail to report absentee/tardiness will be disciplined in accordance with the guidelines set forth in this policy." The NCDPS Division of Prisons Policy Manual, Chapter F, Management of Security Posts, Section .1605 Duties of Correctional Officers states "Correctional officers shall remain alert and in full possession of their faculties at all times while on duty." You provided your signature acknowledging that you received this policy on May 11, 2009.

The previous steps taken by management to improve deficiencies in your conduct/performance include the following:

- On October 17, 2013, you were issued a Written Warning Unacceptable Personal Conduct as a result of your Insubordination toward a Sergeant.
- On June 8, 2012, you were given a Written Warning for Grossly Inefficient Job Performance as a result of your failure to remain alert.

During the pre-disciplinary conference on October 20 2014, you stated you realize you have made "mistakes" in the past. You also stated Mr. [REDACTED] had given you another chance by reassigning you to the minimum custody facility approximately 30 days ago. You related you have been doing better and the last investigation was a "wake up call". You admitted having a work attendance problem during your five years of employment at Tabor Correctional Institution and that you have presented some management issues. You did not provide any other information that would warrant action less than dismissal.

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve problems that may be affecting their personal or work life. You are eligible for EAP benefits up to 30 days from your receipt of this letter. If you have the need for counseling or assistance regarding these matters or need additional information, please contact McLaughlin Young Group at 704-717-5295 or 888-298-3907. They are available 24 hours a day, 7 days per week toll free.

If you are a "career State employee" (as defined in N.C.G.S. 126-1.1) and wish to appeal this decision, you must do so in writing within fifteen (15) calendar days. The appeal must be submitted by using the Step 1 Grievance Filing Form HR 555. The appeal must be mailed to the Grievance Intake Coordinator, Department of Public Safety, 512 N. Salisbury Street, 4201 Mail Service Center, Raleigh, NC 27699-4201. As an alternative to mail, the appeal may be emailed to Grievance.Appeals@ncdps.gov, or hand delivered to the State Capitol Police, 417 N. Salisbury Street, Raleigh, NC 27603, between the hours of 8:00 a.m. and 5:00 p.m. Regardless of the method of filing, the appeal must be received by the Grievance Intake Coordinator on or before the fifteenth (15th) calendar day after receiving this letter in order to be timely filed. Failure to comply with this time constraint shall result in your appeal not being accepted and it will be administratively closed. I have attached a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) for your review. If you are not a "career State employee" (as defined in N.C.G.S. 126-1.1), this action is final and carries no appeal rights.

NCGS 126-23 (a) (11) provides that dismissal letters are public information and must be released, if requested.

Sincerely,

Patsy Chavis
Ms. Patsy Chavis

Facility Administrator, Tabor Correctional Institution #4885

By signing this letter, I acknowledge receipt of this notice of dismissal letter, a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) and the Department of Public Safety Grievance Filing Form that are attached.

Employee Signature: _____

Date: 10-23-14

Witness: _____

Date: 10-21-14

Witness Printed Name: _____

Julian A. Priest

Enclosure:

State Human Resources Manual, Employee Grievance Policy
Department of Public Safety Grievance Filing Form HR 555

cc: Unit File
Personnel File – Raleigh
Employee Relations



North Carolina Department of Public Safety

Adult & Juvenile Facilities

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner
George Solomon, Director

July 24, 2014

Mr. Adam Strickland
Correctional Officer



Re: Dismissal

Dear Mr. Strickland:

This letter is to inform you of Management's decision concerning the recommendation for disciplinary action following our Pre-Disciplinary Conference held on July 23, 2014. Management has decided to dismiss you effective July 24, 2014 based on your Unacceptable Personal Conduct as defined in Section 7, page 3 of the State Human Resources Manual and the applicable Department of Public Safety Disciplinary Action Policy.

This decision was made after a review of all of the information available, the current incident of unacceptable personal conduct, and the information you provided during the pre-disciplinary conference.

The specific conduct reasons for your Dismissal are as follows:

An internal investigation revealed that on March 16, 2014, you failed to report to work for shift line up, and you failed to contact the Officer in Charge (OIC) to report your tardiness. This is in violation of the Tabor Correctional Standard Operation Procedure Manual, Chapter 2, Section 1.700 Absentee and Tardiness. The details of the investigation are as follows:

- On March 16, 2014, Correctional Lieutenant [REDACTED] was assigned as the OIC of your rotation. In his written and verbal statement dated March 16, 2014, Mr. [REDACTED] stated that you were listed as a "no call no show for shift line up." He stated that you finally reported to work late. He also stated that when you were questioned as to why you did not contact the facility to report your tardiness in accordance with policy, you stated that your phone was dead.
- In his written and verbal statement dated March 16, 2014, Sergeant [REDACTED] stated that you were not present at line up. He further stated that, "a call to the phone number of record was made [sic] unanswered and there was no return call."

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- In your written statement dated April 7, 2014, you stated that you woke up from sleep and realized that you missed line up. You also stated, "When I was asked why I didn't call I stated that I could not due to my phone being dead."
- The Tabor Correctional Standard Operating Procedures, (SOP) Chapter II: Administration, Absentee and Tardiness, VI. Procedures, A. Shift Employees states, "Division of Prisons Policy and Procedures require that all employees provide notification to their supervisor (the Master Control Sergeant is designated at Tabor) at least 30 minutes prior to their scheduled reporting time in the event they are going to be absent and/or tardy from work." On July 27, 2009, you signed that you read and understood the Tabor Correctional Standard Operating Procedures.

An internal investigation revealed that on that same date, March 16, 2014, you exercised unjustified force when you administered pepper spray on an inmate. This is in violation of the Department of Correction, Division of Prisons Policy, chapter F, section .1500(.1503) (a). The details of the investigation are as follows:

- In his written and verbal statement dated March 20, 2014, inmate [REDACTED] # [REDACTED] stated that when he was returning to his cell from chow hall, you were waiting by the barbershop door. Inmate [REDACTED] stated that when he passed by you, you said "come here." Inmate [REDACTED] stated you came up from behind your back with the spray and pepper sprayed him for no apparent reason.
- In his written and verbal statement dated March 24, 2014, Correctional Officer (C/O) [REDACTED] stated that you told him and C/O [REDACTED] that you were going to talk to inmate [REDACTED] when he returned from the chow hall. He stated that you called the inmate and said "let me talk to you". C/O [REDACTED] further stated that he did not hear inmate [REDACTED] say anything to you, and, that you were waiting at the top of the stairs with gloves on and your pepper spray in hand.
- In your written and verbal statement dated March 25, 2014, you stated that inmate [REDACTED] cursed you prior to going to chow hall and that you were preparing to counsel him when he returned. You further stated that when you attempted to counsel inmate [REDACTED] he raised his hand with a "balled fist" and that you pepper sprayed him because you "immediately felt threatened and unsure of inmate [REDACTED] capability." You stated that you sprayed inmate [REDACTED] with "two one half second burst of OC pepper spray." You also stated that you did have your pepper spray behind your back because at the time you were "unaware of what inmate [REDACTED] might do."
- According to the video footage and witness statements, Inmate [REDACTED] posed no imminent threat to warrant the administration of pepper spray. Video footage of the incident does not substantiate your claim that inmate [REDACTED] raised his hand at you with a closed fist. At least one officer confirmed that you were standing in the hallway with your pepper spray, waiting for Inmate [REDACTED] to return. The Department of Correction, Division of Prisons Policy, chapter F, section .1500(.1503) (a) reads, "The use of force shall be permissible only to the extent reasonably necessary for a proper correctional objective. Excessive force is prohibited."

The policy further states in part (d), "An officer is prohibited from using force solely as a result of verbal provocation... The use of force as punishment is strictly prohibited." On July 27, 2009, you signed that you read and understood the Division of Prisons Policy.

- The video footage clearly shows you administering OC pepper spray for three consecutive seconds, and continuing to spray inmate [REDACTED] after he had turned around. This is in violation of the Tabor Correctional Standard Operating Procedures, (SOP) chapter 4, Use of O.C. Pepper Spray section .5700(D), 3. Method of Firing (d.), which states "at least two (2) one-half second bursts recommended." On July 27, 2009, you signed that you read and understood the Tabor Correctional Standard Operating Procedures manual.

As a Correctional Officer, you are expected to follow all State, departmental and agency policies and procedures. You are expected to report for duty and administer force in accordance with the applicable policies and procedures. Your actions violate State and departmental policies. Willful violation of known or written work rules constitutes Unacceptable Personal Conduct. In addition, your actions are considered conduct unbecoming a State employee that is detrimental to State service, and conduct for which no reasonable person should expect to receive prior warning.

According to the State Human Resources Manual, section 7, page 3, Unacceptable Personal Conduct includes, "conduct for which no reasonable person should expect to receive prior warning"; "the willful violation of known or written work rules"; and, "conduct unbecoming a State employee that is detrimental to State service". The Department of Correction Personnel Policy, section 6, Appendix C, states that Unacceptable Personal Conduct includes, "conduct for which no reasonable person should expect to receive prior warning", "the willful violation of known or written work rules" and, "conduct unbecoming a state employee that is detrimental to state service".

The Department of Public Safety Division of Adult Correction requires annual and semi-annual training to remind and reinforce the expectation for employees to comply with certain agency, State and federal policies. You most recently attended OC Pepper Spray Training on July 30, 2009, and again on May 3, 2010. The class recommended "at least two (2) one-half second bursts" when administering pepper spray. As stated previously, video footage shows you administering pepper spray for three consecutive seconds and continuing to spray after the inmate retreated.

During the pre-disciplinary conference on July 23, 2014, you admitted that you were late for work on March 16, 2014. You admitted that you failed to call the facility to report being late as you stated your phone was not working although you knew that you were required to contact the Master Control Sergeant at least 30 minutes prior to your scheduled reporting time.

During the pre-disciplinary conference you also admitted to having your pepper spray in your hand, behind your back when inmate [REDACTED] # [REDACTED] was returning from chow as you said you have been taught to "attempt to surprise an inmate and not let them get the upper hand." You stated you are aware of the policy in reference to using pepper spray although you were not sure how long you sprayed inmate [REDACTED] and you stated you "did not stand there and count."

The previous steps taken by management to improve deficiencies in your job performance/conduct include the following:

- On December 10, 2013, you were issued a written warning for this same conduct issue.
- On February 28, 2014, you were placed on time management.

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve problems that may be affecting their personal or work life. You are eligible for EAP benefits up to 30 days from your receipt of this letter. If you have the need for counseling or assistance regarding these matters or need additional information, please contact McLaughlin Young Group at 704-717-5295 or 888-298-3907. They are available 24 hours a day, 7 days per week toll free.

If you are a "career State employee" (as defined in N.C.G.S. §126-1.1) and wish to appeal this decision, you must do so in writing within fifteen (15) calendar days. The appeal must be submitted by using the Step 1 Grievance Filing Form HR 555. The appeal must be mailed to the Grievance Intake Coordinator, Department of Public Safety, 512 N. Salisbury Street, 4201 Mail Service Center, Raleigh, NC 27699-4201. As an alternative to mail, the appeal may be emailed to Grievance.Appeals@ncdps.gov, or hand delivered to the State Capitol Police, 417 N. Salisbury Street, Raleigh, NC 27603, between the hours of 8:00 a.m. and 5:00 p.m. Regardless of the method of filing, the appeal must be received by the Grievance Intake Coordinator on or before the fifteenth (15th) calendar day after receiving this letter in order to be timely filed. Failure to comply with this time frame shall result in your appeal not being accepted and it will be administratively closed. I have attached a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) for your review. If you are not a "career State employee" (as defined in N.C.G.S. §126-1.1), this action is final and carries no appeal rights.

NCGS 126-23 (a) (11) provides that Dismissal letters are public information and must be released, if requested.

Sincerely,

Patsy Chavis

Ms. Patsy Chavis, Facility Administrator

By signing this letter, I acknowledge receipt of this notice of dismissal letter, a copy of the Employee Grievance Policy (North Carolina State Human Resources Manual) and the Department of Public Safety Grievance Filing Form that are attached.

Employee Signature: refused to sign Date: 7/24/14 5:45 pm

Witness: *Brandon Crabb* Date: 7/24/14 5:45 pm

Witness Printed Name: Brandon Crabb

Enclosure:

State Human Resources Manual, Employee Grievance Policy
Department of Public Safety Grievance Filing Form HR 555

cc: Unit File
Personnel File – Raleigh
Employee Relations



North Carolina Department of Public Safety
Adult & Juvenile Facilities

COPY

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Gulce, Commissioner
George Solomon, Director

March 26, 2014

Mr. Zackary Lancaster
Correctional Officer

[REDACTED]
Tabor Correctional Institution #4885
[REDACTED]
[REDACTED]

Re: Trainee Appointment Separation

Dear Mr. Lancaster:

This letter is to inform you that your Trainee Appointment as a Correctional Officer will end effective Wednesday, March 26, 2014.

This decision was made after a review of all of the information available, including a prior disciplinary action, the current incident of Unacceptable Personal Conduct, and the information you provided during the Pre-Disciplinary Conference on March 24, 2013.

The specific conduct reason for your separation is as follows:

- You submitted three (3) doctor notes from the office of Dr. [REDACTED]. Due to management's suspicion, the doctor's office was called to verify the notes. The doctor's office advised that you were not seen in their office in 2013 and you have not been seen this year. Therefore, an internal investigation was initiated. The investigation revealed that those medical notes were falsified. In your written statement on February 4, 2014 you admitted to falsifying doctor's notes for the following dates:
 - December 14 through December 19, 2013
 - December 23 through December 31, 2013
 - January 15 through January 27, 2014

You stated, "I gave a doctor's note to cover my butt that were falsified. On 12/14/ - 12/19/2013, I gave a false doctor note and was not seen by the doctor. On 12/23 - 12/31/2013, I gave a false doctor note and was not seen by the doctor. On 1/15 - 1/27/2014, I gave a false doctor note and was not seen by the doctor." You also admitted to knowing that staff is to call in 30 minutes prior to shift line-up and that sometimes you called in on time and other times you did not.

MAILING ADDRESS:
Tabor Correctional Institution
Post Office Box 730
Tabor City, NC 28463
www.ncdps.gov



An Equal Opportunity Employer

OFFICE LOCATION:
Tabor Correctional Institution
4600 Swamp Fox Highway West
Tabor City, NC 28463
Telephone: (910) 653-6413
Fax: (910) 653-6837

The previous steps taken by management to improve deficiencies in your conduct include the following:

- On January 7, 2014, you were given a coaching for developing a pattern of excessive call-ins to be tardy and/or absent and were placed on time management.

As a Correctional Officer, you are expected to provide accurate and true documentation. As a result of you providing falsified medical notes, you have violated Human Resource Policy, Section 6, pages 38-41, which states *All employees of the Department of Public Safety shall maintain personal conduct of an acceptable standard as an employee and member of the community. Violations of this policy may result in disciplinary action including dismissal without prior warning.* Engaging in activities such as falsification of employment documentation and misrepresentation of facts to supervisors, managers, or others in the use or attempted use of sick leave constitutes unacceptable personal conduct without regard to whether it violates state or federal law.

On April 8, 2013, you signed that you read and understood Tabor Correctional Standard Operating Procedures, Chapter 2, Section .1100 Employee Conduct and Discipline and .1700 Absentee and Tardiness.

The State Human Resources Manual, Employment and Records, Section 3, page 2, states *"The trainee appointment, like the probationary period, is also an extension of the selection process, and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards."*

During the Pre-Disciplinary Conference on March 24, 2014, you stated that you had been dealing with your wife's medical condition (reportedly a stomach virus) and your mother's medical condition (reportedly bronchitis) and this was the reason you had excessive call ins to be absent from work. It was pointed out to you that none of your call-ins in 2014 or 2013 were related to your mother's sickness and only one call in during the year 2013 was related to your wife's sickness and none of the 2014 call ins were related to your wife's sickness. When confronted with this information, your response was that when you called in, the staff member that you talked to would not always record the correct reason you were calling in and they would just record that you were sick. You stated that you were not making any "excuses" for the falsified doctor's notes as they were produced in order to "cover my butt." You admitted that your call ins were excessive and that you had done "wrong" and "there is nothing I can do to change it." You also stated "I've called in too much and I'm pretty much a liability."

If you have any questions regarding your final pay or benefits information, you should contact [REDACTED] Administrative Services Manager at 910-653-6413.

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve problems that may be affecting their personal or work life. You are eligible for EAP benefits up to 30 days from your receipt of this letter. If you have the need for counseling or assistance regarding these matters or need additional information, please contact McLaughlin Young Group at 704-717-5295 or 888-298-3907. They are available 24 hours a day, 7 days per week toll free.

You do not have appeal rights except as provided in the State Human Resources Manual; Employee Grievance Policy. A copy of this policy may be found online at www.ncdps.gov; For Employees; Human Resources.

Sincerely,

Patsy Chavis

Ms. Patsy Chavis
Facility Administrator

By signing this letter, I acknowledge receipt of this separation letter of my Trainee Appointment.

Employee Signature: *[Signature]* Date: 3-26-14

Witness: *[Signature]* Date: 3/26/14

Witness Printed Name: James McPherson

cc: Unit File
Personnel File – Raleigh
Employee Relations

*Employee refused to accept a copy.
PChavis 03-26-14*



North Carolina Department of Public Safety

Adult & Juvenile Facilities

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner
George Solomon, Director

May 16, 2014

Garland Randall Kenneth Rose
Correctional Officer
BEACON ID [REDACTED]
Tabor Correctional Institution
[REDACTED]

Re: Notice of Trainee Separation

Dear Officer Rose:

This letter is to inform you that your Probationary appointment as a Correctional Officer will end effective today, May 15, 2014.

Your date of employment at Tabor Correctional Institution was April 28, 2014.

On May 7, 2014, you were arrested and charged with first degree burglary in Horry County, South Carolina. You were placed under \$20,000 secured bond. As a result of your arrest, your conduct is considered unbecoming a State employee.

The State Human Resources Manual, Employment and Records, Section 3, page 2, states "*The trainee appointment, like the probationary period is also an extension of the selection process, and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards.*"

If you have any questions regarding your final pay or benefits information, you should contact Ms.

[REDACTED] Personnel Technician at [REDACTED]

The Employee Assistance Program (EAP) is a confidential service designed to help employees resolve problems that may be affecting their personal or work life. You are eligible for EAP benefits up to 30 days from your receipt of this letter. If you have the need for counseling or assistance regarding these matters or need additional information, please contact McLaughlin Young Group at 704-717-5295 or 888-298-3907. They are available 24 hours a day, 7 days per week toll free.

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You do not have appeal rights except as provided in the State Human Resource Manual, Employees Appeals and Grievances policy. A copy of Employees Appeals and Grievances this policy may be found online at: <http://www.oshr.nc.gov/Guide/Policies/policies.htm>

Sincerely,

Patsy Chavis

Patsy Chavis
Administrator

By signing this letter, I acknowledge receipt of this separation letter of my Trainee appointment.

Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

cc: Unit File
Personnel File -- Raleigh
Employee Relations

Garland Randall Kenneth Rose
Probationary Separation
May 15, 2014
Page 2 of 2