

PRR Reference: **PRR 061410 - VolusiaExposed (re: Timothy Wyckoff's files)**

(Copy and give to requestor of records)

PUBLIC RECORDS DUPLICATION COST ESTIMATE FORM -- A determination of the cost of providing the requested information should be made as quickly as possible. This shall be conveyed to the requestor of information. The requestor of information shall be given a form estimating the cost of compliance with the information requested. **The requestor shall pay for the cost of records in advance.**

Paper copies – (dept)

Number of copies 9 x \$.05 per page = \$.45

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Number of copies x \$.05 per page = \$

Electronic information retrieval

Labor as quoted by (dept) \$

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Video: CD-R (\$.20 ea), or DVD (\$.35 ea)

(Actual replacement cost as of Dec. 2009) \$.20

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County maps

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Extensive labor #1 (time @ \$ 10.00 per hour) \$

Extensive labor #2 (time @ \$ per hour) \$

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POSTAGE to mail materials \$

EMAIL SEARCH – PER QUOTE ATTACHED \$

Total due from requestor of information \$.65

PRR Reference: **PRR 061410 - VolusiaExposed (re: Timothy Wyckoff's files)**

_____ \$.65
DATE **AMOUNT** **(Specify CASH or note CHECK #)**

To: "Pamela Renfro" <prenfro@co.volusia.fl.us>
Date: 6/14/2010 1:21 PM
Subject: Follow up and additional request

Pam:

Is there any update on the status of PRR-060410 (Shone)? [6/15: In process. PR]

Also, please accept this email as a request for an additional Public Protection employee's Internal Affairs records - his name is **Timothy Wyckoff**. Apparently he was under **Internal Affairs investigation around August-September of 2005**. The subject of the internal affairs investigation appears to be whether he committed workman's compensation fraud and/or provide false statements to his supervisors. Unlike the Officer Shone PRR, we are NOT interested in the COMPLETE internal affairs file on Officer Wyckoff, but rather we **ONLY are requesting the internal affairs paperwork generated on this ONE particular internal affairs investigation**. This request would include, but is not limited to, any and all paperwork, to include internal case number assignment, submitted to CJSTC to justify the internal affairs investigator's findings and conclusions.

Thank You

VolusiaExposed.Com

Keeping the public safety employees we trust to enforce our laws, within the law.



Track & Confirm

Delivery Status

You entered 0302 0980 0000 1867 1461

Your item was delivered at 7:15 am on October 18, 2002 in ASTOR, FL 32102.

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County of Volusia

DEPARTMENT OF PUBLIC PROTECTION
Corrections Division

Caller Service 2865 • 1300 Red John Drive • Daytona Beach, Florida 32120-2865
www.volusia.org



October 14, 2002

Timothy Wyckoff
P.O. Box 601
Astor, FL 32102

Dear Officer Wyckoff:

A letter of intent to separate you from County service dated September 26, 2002 was delivered to your last known address on October 02, 2002. After meeting with you on October 10, 2002 you did not provide any additional information that would alter my decision. Therefore, effective at the end of business October 14, 2002 you will be separated from County service.

On September 6, 2002, you obtained a note from your doctor, backdated to August 31, 2002, which stated that you would be out of work from August 31st until September 8, 2002. It further stated that you were to return to work on September 9, 2002. You did not return to work on September 9th or 10th, but called in and said that you would be out of work until further notice due to your on the job injury.

On September 12, 2002 you called Lieutenant Pelham at the Branch Jail and informed him you would be out of work as a result of your on the job injury claim until further notice. You also informed Lieutenant Pelham that your doctor was faxing the necessary paperwork to the County Risk Management. As of September 26, 2002 Risk Management had not received any documentation from your doctor regarding your absence since September 12, 2002. A note from your doctor's office was finally obtained by Risk Management on or about September 27, 2002.

We have received information that on September 14, 2002 at Astor Landings, you were video taped building a deck and carrying various power tools in both hands. On September 15, 2002 you were observed and video recorded using a pole saw to trim a palm tree, putting up a banner and bending, kneeling and using both hands while raking debris. Both the above dates would have been regularly scheduled workdays at the Branch Jail had you not called out sick due to your on the job injury claim.



ADMINISTRATION
(386) 248-1786

BRANCH JAIL
(386) 254-1555

CORRECTIONAL FACILITY
(386) 254-1565

Officer Timothy Wyckoff
October 14, 2002
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This intended action is based on the following Merit Rules violations.

Sec. 86-453 Reasons for disciplinary actions.

- (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.
- (8) Criminal, dishonest or other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.
- (12) Knowingly giving false statements to supervisors, other officials or the public.

In accordance with County Merit Rules you have ten (10) working days from receipt of this letter to request an appeal of this action before the County Personnel Board. A request for appeal must be in writing and submitted to the County Personnel Director.

Sincerely,



KEVIN S. HICKEY
Director

KSH/ng

cc: Guy Minter
Mike Lary
Nancye Jones

VOLUSIA COUNTY PERSONNEL BOARD
SUMMARY OF FINDINGS AND DETERMINATION
ADVERSE ACTION APPEAL # 02/03-01

APPELLANT: TIMOTHY WYCKOFF

POSITION HELD: CORRECTIONS OFFICER

DATE OF HIRE: JANUARY 5, 1983

DATE OF APPEAL HEARING: DECEMBER 2, 2002

SUBJECT: TERMINATION

HEARING BODY: PERSONNEL BOARD

FINAL AUTHORITY: COUNTY MANAGER

ATTENDEES:

Personnel Board Members

Patrick Lane, Chair
Leonard Davis
Brenda Thompson

Ex-Officio Members

Executive Secretary: Michael D. Lary

Employer: Volusia County Public Protection/Corrections Division

Employer's Representative: Matthew G. Minter, Deputy County Attorney

Employer's Witnesses:

1. Kevin Hickey, Corrections Director
2. Denise Bowman, Risk Management
3. James Francis, Investigator, The Merrill Group

Appellant's Representative: David Glasser, Esquire

Appellant's Witnesses:

1. Lester Labar
2. Dennis Carlson
3. Ashley Wyckoff
4. Daniel Gunger
5. Danielle Peterson
6. Deputy Robert Willis, V.C.S.O.
7. Timothy Wyckoff, Appellant

Recording Secretary: Melodie Hoffman, Personnel Services

I. A. INTRODUCTION

The Volusia County Personnel Board convened on Monday, December 2, 2002 at 9:15 a.m. to hear an appeal filed by Timothy Wyckoff.

B. BACKGROUND

1. The hearing before the Personnel Board was conducted in accordance with Merit System Rules and Regulations Code §86-40(f).
2. The hearing was held at the request of the appellant of November 1, 2002.
3. On October 14, 2002, Kevin Hickey, Director, issued a Notice of Dismissal to Correction Officer Timothy Wyckoff.

Officer Wyckoff obtained a back dated note from his doctor that he would be out of work from August 31, 2002 until September 8, 2002 due to an on the job injury. The note from the doctor's office stated Officer Wyckoff could return to work on September 9, 2002.

Officer Wyckoff did not return to work on September 9th or 10th, however, telephoned on September 12, 2002 and stated that he would be out of work until further notice due to an on-the-job injury. Officer Wyckoff informed his shift commander that his doctor's office would be faxing the required document to Risk Management. The doctor's note was received at Risk Management on or about September 26, 2002.

September 14, 2002- Officer Wyckoff was observed squatting and working on a wood deck and carrying various power tools at Astor Landings Campgrounds, where he is the manager.

September 15, 2002 – Officer Wyckoff was observed using a pole saw to trim a palm tree, putting up a banner, bending, kneeling and using both hands while raking yard debris.

September 13–15, 2002 – Officer Wyckoff was observed at various times throughout the day driving his pick up truck around the campgrounds.

II. A. EMPLOYER'S ACTION AND POSITION

The Employer's position is that Officer Wyckoff was assigned to light duty work at the video visitation center of the corrections division, working an eight-hour shift. Officer Wyckoff requested that his shift be changed to a twelve-hour shift and that was granted. He asked to be removed from the visitation center because it was too hectic of an area. Officer Wyckoff was shown on surveillance video performing strenuous activity, (i.e., pole sawing palm fronds, squatting, kneeling, using and carrying power tools, driving his truck, raking & picking up yard debris). Officer Wyckoff would have been able to work in the visitation center, being able to stand, sit or move around when he felt any discomfort or request the need for additional employee help. There was not any indication of Officer Wyckoff experiencing pain or discomfort during the three days while the investigator was observing him.

B. EMPLOYER'S REQUEST

The Employer requested that the Board uphold the action taken by the department.

C. APPELLANT'S POSITION

The Appellant position was that he had been a good and faithful officer during his employment with the Volusia County Corrections Division. The evidence did not support reasonable suspicion that Officer Wyckoff was not in pain or discomfort because of the medications that he was taking while being observed. He provided statements from his physician that excused him from his light duty assignment.

D. APPELLANT'S REQUEST

The Appellant requested that the Board recommend that the County reinstate his employment.

III. SUMMARY FINDINGS OF FACT

Officer Wyckoff did violate Section 86-453 of the Merit Rules and Regulations: Officer Wyckoff did not report to work on his regular shift schedule on September 9th or 10th, he was neglectful in the performance of the duties to which he was assigned. On September 14th and 15th Officer Wyckoff was engaged in physical work for an outside business while advising the Corrections Division that he was unable to report to work for a light duty position. These days were assigned work days for Officer Wyckoff. Officer Wyckoff informed a corrections lieutenant that his doctor would be faxing the appropriate information to Risk Management regarding his absence. However, the information was not received until September 26, 2002, fifteen days later and was back dated to September 12, 2002. Because the doctor's note was not received on September 12, 2002, Risk Management cut off Officer Wyckoff's worker's compensation benefits.

IV. BOARD'S DETERMINATION

Ms. Thompson is sympathetic with Officer Wyckoff, however, she knows the county will make every effort to accommodate an employee with an on the job injury if they would just ask for help. Because the county's evidence proved that Officer Wyckoff was able to do physical tasks, he had the burden to prove that he was not able to perform his assigned light duties. The county had no alternative but to have surveillance placed on Officer Wyckoff when he did not show up for his regularly scheduled shift while being paid under worker's compensation benefits. The doctor's kept referring him back to work with instructions of moderate work duties allowed. The evidence presented on the surveillance tape speaks for itself, and that Officer Wyckoff could have performed light to moderate duties as an employee of the county.

Mr. Davis believes Volusia County will find light to moderate duty assignments for any employee that requires special consideration due from on the job injuries, disabilities or physical challenges. The responsibility falls to the appellant to prove that there was not willful neglect on his part. However, the County had no other option than to have an investigation completed on Officer Wyckoff because of the worker's compensation claim which he was being paid under and should have reported for duty as scheduled. It is noted that Officer Wyckoff did not receive worker's compensation benefits for the dates of September 14th and 15th. However, had the doctor's note been received before those dates, he would have been paid those benefits.

SUMMARY FINDINGS AND DETERMINATION
ADVERSE ACTION APPEAL #02/03-01

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Mr. Lane stated that Officer Wyckoff was cleared by his doctor to report to his employer and that light to moderate work could be assigned. However, by not reporting to work and not having the proper paperwork from his doctor, the County had no other option but to place surveillance on Officer Wyckoff. The surveillance tape showed that Officer Wyckoff was capable of performing moderate work assignments for the corrections or other county division.

Brenda Thompson called for a motion to uphold the County's decision to terminate Officer Wyckoff based on the violation of the Merit Rules & Regulations.

Mr. Davis seconded the motion. The motion passed 3 to 0.

PREPARED BY: Michelle Hoffman DATE: 12-6-02
REVIEWED BY: Matthew A. Hunter DATE: 12-6-02
COUNTY MANAGER [Signature] DATE: 12-7-02

APPROVAL
 REJECTION
 MODIFICATION



County of Volusia



DEPARTMENT OF PUBLIC PROTECTION Corrections Division

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www.volusia.org

ADMINISTRATION
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CORRECTIONAL FACILITY
(386) 254-1565

May 14, 2004

Timothy Wyckoff
P.O. Box 601
Astor, FL 32102

Dear Mr. Wyckoff:

On April 14, 2004, you were sent a letter directing you to return all county-issued property (i.e. clothes, manuals, identifications badge, etc.). As of this date there has been no response from you. This has become a very important issue due to Homeland Security concerns.

If you do not respond to this letter by May 24, 2004, the Corrections Division will initiate legal action to recover all county-issued property.

If you have question or need further information, you may contact me at (386) 248-1786.

Sincerely,

Gary Swift
Administrative Services Manager

GS/ng

Mike Lary
Guy Minter

MAY 17 '04 241106



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