

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue
P.O. Box 569
DeLand, FL 32721-0569

February 7, 2012

Lieutenant Michael Odgers # 1454
Volusia County Sheriff's Office
LES / Watch Commander

Final Notice of Demotion and Suspension

Lieutenant Michael Odgers:

Be advised that as a result of your actions documented in IA#11-014, it has been determined that you did violate the following Volusia County Sheriff's Office Standards Directives:

26.2.33 Inattention to Duties, Loafing, Sleeping - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty. *(Violation subject up to a 1 day suspension.)*

26.2.119 Code of Ethics for Public Officers and Employees - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. *(Violation subject up to dismissal.)*

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. *(Violation subject up to a 5 day suspension.)*

26.2.26 Abusing Meal or Rest Periods- To Wit:

26.2.27 Employees working a twelve hour workday are permitted one fifteen minute rest period during the first half of their shift and one fifteen minute rest period during the second half of their shift.

26.2.28 Employees may suspend work activities up to 40 minutes per workday for meal breaks. Employees, with supervisors approval, may combine their rest periods for up to a one hour meal break.

26.2.30 Meal breaks or rest periods may not be taken during the last hour of the workday. *(Violation subject up to a 1 day suspension.)*

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26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

Volusia County Merit System Rules and Regulations 86-453 (13)., Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

To wit:

You were promoted to the rank of Lieutenant on June 11, 2011 and given an assignment as the Alpha/ Bravo shift Watch Commander. At the time of your assignment to this position, your supervisor provided you with a detailed memorandum outlining your duties and responsibilities which were also discussed with you. You were specifically told that the position required you to exercise sound judgment and common sense.

The watch commander position is designed to provide availability of staff level command during periods when command staff is off-duty, specifically, from the hours of 1700 hours to 0500 hours. It is considered a position of high responsibility and trust as the watch commander acts as the eyes and ears of the Sheriff and his command staff during off-duty hours. The watch commander is the highest ranking officer on duty during those hours county wide and, among other duties, is to monitor calls, respond to the scenes of all serious incidents and, in general, provide direction and supervision as needed to the on-duty sergeants.

As the Alpha/Bravo Watch Commander you were expected to maintain vigilance over the operations of the Sheriff's Office, ensuring that the command staff was well represented in the field. The watch commander's presence in and among the deputies and sergeants in his charge is, in part, for the purpose of ensuring compliance with departmental guidelines but also to provide guidance for calls or issues which may arise in areas of potential liability for the Sheriff's Office. While the watch commander is not expected to single-handedly run law enforcement operations for the entire county, it is critical that he or she provide guidance by engaging in the activities of the department, responding to significant calls and ensuring that the information provided up the chain of command to the command staff is a first hand, factual accounting of the event.

In October, 2011, I received information regarding your activities and productive time while on duty which prompted the opening of the above referenced internal affairs investigation. The results of the investigation include the following information.

Between June 15, 2011 and November 14, 2011 your computer aided dispatch (CAD) history established that you took part in 91 calls for service, 11 of which were self initiated activity. This averages out to 1.27 calls per shift. A review of your CAD history also indicated that you had 13 days of inactivity.

As a comparison, during the same dates, the Charlie/ Delta Watch Commander took part in 237 calls for service, 91 of which were self initiated activity, and 1 day of inactivity. Additionally, this Watch Commander worked 7 days less than you.

A review of your AVL history indicates that you spend excessive amounts of time at particular locations while not actively assisting with ongoing calls for service. While many of these locations are Sheriff's Office facilities, what is disturbing is the number of continuous hours you spent at these locations for no justifiable work related reason.

In your sworn interview, you indicated that your management style was more of a "hands -off" approach, guiding your sergeants when necessary, and responding to calls when they met the criteria set forth in policy and procedure. While this may be an accepted management style for some management positions, the information developed in this internal investigation refutes your explanation. You were not only "hands- off," you regularly failed to perform your duties as the watch commander.

In your sworn statement, you testified that you have only gone home early (prior to 0500 hours) on one occasion, when you were ill. Your AVL history established that this day was October 7, 2011. However, according to a thorough review of your AVL history, you routinely ended your shift early by returning to your residence an hour early and on 13 occasions you have done so in excess of 1 hour early.

You also indicated that there were many calls that you responded to but did not document in CAD. However, according to your AVL history, with few exceptions, locations that you were stationary for any period of time were not locations where active calls for service were occurring.

With further regard to your productive time, you stated under oath that you did not remain at or return to your residence during your shift for anything other than your meal breaks or to care for your children. According to your AVL history, this is not true. On 14 shifts, you remained at or returned to your residence, your girlfriend's residence, or a restaurant for a one hour period of time twice within the same shift. Of particular concern was the amount of time spent stationary within the city limits of Edgewater at your residence, your girlfriend's residence, or areas near your girlfriend's residence in excess if your allotted meal breaks.

You have previously been the subject of the following disciplinary action:

07/27/2000	26.2.96	Careless Handling of Equipment and Vehicles	Sustained
09/26/2008	26.2.034	Failure to Follow Directive or Order	Sustained
	26.2.134	Job Knowledge and Performance	Sustained

Lieutenant Odgers, you were served with Intent to Demote letter on January 11, 2011, advising you of my intent to demote you from Lieutenant to Deputy Sheriff II. You were given the opportunity to make an appointment and appear before me in order to respond to this intended

action. You appeared on Thursday, January 19, 2012, and had the opportunity to offer any mitigating circumstances that should be considered prior to the final discipline. After earnest consideration, I have decided to demote you to the rank of Sergeant coupled with a suspension from duty for thirty (30) working days which equates to one hundred sixty (160) work hours. You are hereby demoted to the rank of Sergeant and suspended from duty without pay for thirty **(30) duty days**, which equates to **one hundred sixty (160) work hours**. You will also receive a reduction in pay to that of a Sergeant.

Your suspension will take place immediately. You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1.**

If there is any problem or condition that is troubling you that I am unaware of, please advise me so that I will have the opportunity to assist you in correcting this problem.


If you wish to appeal my decision in this matter, you may do so by filing a written request through the County Personnel Director within ten (10) days of receipt of this notification.

Sincerely,



Ben F. Johnson
Sheriff

BFJ/pa040L0051.12
cc: County Personnel
County Legal
Internal Affairs



This letter read and received by:
Lieutenant Michael Odgers # 1454
Date: 2/16/12
Time: 1523