



City of Phoenix

Human Resources Department

Investigation Report

Date: July 23, 2021
To: Lori Bays, Human Resources Director
CC: David Mathews, Assistant Human Resources Director

Investigator: Denise Overstreet, Deputy Human Resources Director
Meghan Brewer, Senior Human Resources Analyst

Subject: Police Communications (911) Investigation

EXECUTIVE SUMMARY

The City of Phoenix Human Resources Department has concluded an internal investigation into the events leading up to the death of 911 Operator [REDACTED].

[REDACTED] returned to work at Police Communications 911 Dispatch in late February after five weeks at home recovering from COVID. On her fourth day back to work, she was assigned to work mandatory hold over, resulting in a 15-hour workday. The following morning, she was taken to the hospital where she died six days later.

Her death prompted media coverage that included a variety of claims made by [REDACTED] family, co-workers, and union representatives. This investigation sought to determine from interviews with staff, supervisors, and union representatives the facts surrounding this case and to determine any policy violations.

The investigation examined 17 matters, which fall under two main categories:

1. **Mandatory Overtime and Related Policies** (Please note [REDACTED] was assigned to work mandatory hold over, which is different from mandatory overtime. Mandatory overtime is scheduled in advance. Mandatory hold over is required when there are unexpected staffing shortages that day.)
2. **COVID protocols** (i.e. employees are sent home when they are sick, face covering requirements, cleaning, and physical distancing protocols)

In total, 51 Police Communications Operators, Communications Supervisors, Shift Communications Supervisors, and union representatives were interviewed or responded to witness memos.

The investigation identified three policy violations. A line by line summary of the findings is included below.

The findings range from verifying the number of cases of COVID in the Communications Bureau, to a lack of availability of a specific brand of cleaning supplies preferred by the staff, to the fact that [REDACTED] did communicate some symptoms of illness to one supervisor.

This report also verified that [REDACTED] was asked to work additional hours, however the claims that she would receive discipline if she declined are not supported. Policy changes allowing workers to decline hold over hours during the pandemic were communicated to supervisors and staff. Records reviewed from March 2020 to present show no communications operators disciplined for refusing to work overtime.

Additionally, [REDACTED] also had what is known in the Communications Bureau as a “free pass” that she could have used to be excused from the mandated holdover without question or repercussion. [REDACTED] did not request to use her free pass when assigned to stay.

As a result of the investigation, the following corrective actions and/or recommendations were established.

- Issue corrective action to the Communications Supervisor that mandated the holdover, who [REDACTED] reported symptoms of illness.
- Develop a communication policy for the Communications Supervisors to assist them in sharing information, such as overtime exceptions and return-to-work issues.
- Update the Police Department COVID Positive Worksheet to include directions for staff that receive positive test results while at work. It should be notated that these employees should be sent home immediately, and the worksheet completed later.

It should also be noted that the Phoenix Police Department has been working on solutions to staffing shortages for several years. Prior to this incident, the Department was already in the process of implementing changes to recruiting and staffing methods, to include higher pay for Police Communications Operators. The Police Department has also developed a plan to completely revise schedules to better accommodate operational needs and reduce mandatory overtime for staff by more than 84%.

Summary of Matters Investigated:

Matter #1: On February 26, 2021, [REDACTED] was asked to work mandatory overtime which totaled over 15 hours at Phoenix’s 911 dispatch center. **[Finding: No Policy Violation]**

Matter #2: Police Communications Operators who opt out of mandatory hold over at the end of their shift for not feeling well get written up. **[Finding: Unfounded]**

Matter #3: [REDACTED] returned to work from a leave due to COVID-19 still feeling ill. **[Finding: [REDACTED] did not report feeling ill upon her return to work]**

Matter #4: On February 26, 2021, [REDACTED] informed her supervisor that if they mandate her to work overtime, she would go home in an ambulance. **[Finding: Policy Violation]**

Matter #5: On February 26, 2021, the supervisors did not care that [REDACTED] was coughing like a seal during her shift. **[Finding: Unfounded]**

Matter #6: On February 26, 2021, [REDACTED] was told that she had to stay at work until 1:00 am and cried while at work. **[Finding: Unfounded]**

Matter #7: One in five of the approximately 187 police dispatchers contracted the virus in December and January alone, including [REDACTED]. **[Finding: No Policy Violation]**

Matter #8: The City did not begin deep cleanings until after [REDACTED] had already contracted the virus in January. **[Finding: Extra cleaning was already in place due to the pandemic, but additional measures were added in January]**

Matter 9: [REDACTED] worked phones from her hospital bed as the union pushed for expanded cleaning and supplies. **[Finding: Unfounded]**

Matter 10: Police Communications Operators were told they could only use one Clorox wipe per shift to sanitize their workstations. **[Finding: Clorox brand wipes were limited however other wipes and cleaning supplies were available]**

Matter 11: In late October 2020, supervisors resumed holding in-person indoor shift briefings for several weeks. **[Finding: No Policy Violation]**

Matter 12: An employee received her positive COVID-19 test results during her shift and a supervisor made her stay at work to fill out a leave form before going home. **[Finding: Unfounded]**

Matter 13: Employees gather in groups to talk while at work. **[Finding: Policy Violation]**

Matter 14: Employees roll plexiglass screens out of the way. **[Finding: Policy Violation]**

Matter 15: During the previous holiday season, at least 20 employees attended a holiday gathering. **[Finding: No Policy Violation]**

Matter 16: Employees are unable to wear a mask while handling calls. **[Finding: Unfounded]**

Matter 17: Police Communications Operators are expected to work eight hours of overtime and two on-call shifts each week. Dispatchers only get one day off per week. **[Finding: Unfounded]**

REPORT

I. Police Communications Bureau:

The Police Communications Bureau is split into two (2) different locations. One location is at the Police Headquarters at 620 West Washington Street, and the other is located at 100 East Elwood Street. The bureau has approximately thirty (30) Communications Supervisors and two hundred and thirty-five (235) Communications Operators. On any given day, there are approximately four (4) shifts with a total of ninety (90) Communications Operators and twelve (12) Communications Supervisors working across those shifts.

II. Investigation Steps:

On February 26, 2021, there were fifty-nine (59) Communications Operators that worked during [REDACTED] shift. One employee no longer works for the City. The remaining Communications Operators were sent witness memos with questions related to this investigation. Due to number of potential witnesses and that the fact that there were two (2) locations, there was an expectation that many employees would not have had any contact with [REDACTED] that day. Consequently, the witness memos were developed to gather enough information without the expectation of a 100% response rate. See Appendix A for a sample of the memo. Thirty-four (34) Communications Operators responded.

There were eleven (11) Communications Supervisors that worked during [REDACTED] shift on that date. All eleven (11) Communications Supervisors were given a Notice of Investigation (NOI), as well as two (2) Communications Shift Supervisors. All supervisors responded to questions specifically regarding their involvement with events related this investigation.

In addition, union representatives quoted in the news article were also interviewed.

Interviews

Name	Job Title	Date	Interviewer
[REDACTED]	Police Communications Operator Radio/911	3/17/21	Denise Overstreet Meghan Brewer
[REDACTED]	Police Communications Operator Radio/911	3/19/21	Meghan Brewer

Witness Memos Received

Name	Job Title	Date of Witness Statement
[REDACTED]	Police Communications Operator Radio/911	3/26/21
[REDACTED]	Police Communication Operator	4/6/2021
[REDACTED]	Police Communications Operator Radio/911	4/13/2021
[REDACTED]	Police Communications Operator Radio/911	4/7/2021
[REDACTED]	Police Communications Operator Radio/911	4/1/2021
[REDACTED]	Police Communications Operator Radio/911	3/31/2021
[REDACTED]	Police Communications Operator Radio/911	3/27/2021
[REDACTED]	Police Communications Operator Radio/911	4/9/2021
[REDACTED]	Police Communications Operator Radio/911	3/26/2021

[REDACTED]	Police Communications Operator Radio/911	4/9/2021
[REDACTED]	Police Communications Operator Radio/911	4/26/2021
[REDACTED]	Police Communications Operator Radio/911	4/23/2021
[REDACTED]	Police Communications Operator Radio/911	4/14/2021
[REDACTED]	Police Communications Operator Radio/911	3/30/2021
[REDACTED]	Police Communications Operator Radio/911	3/26/2021
[REDACTED]	Police Communications Operator Radio/911	3/27/2021
[REDACTED]	Police Communications Operator Radio/911	3/27/2021
[REDACTED]	Police Communications Operator Radio/911	4/8/2021
[REDACTED]	Police Communications Operator	3/28/2021
[REDACTED]	Police Communications Operator Radio/911	3/27/2021
[REDACTED]	Police Communications Operator Radio/911	4/14/2021
[REDACTED]	Police Communications Operator Radio/911	4/9/2021
[REDACTED]	Police Communications Operator Radio/911	3/31/2021
[REDACTED]	Police Communications Operator Radio/911	4/15/2021
[REDACTED]	Police Communications Operator Radio/911	3/30/2021
[REDACTED]	Police Communications Operator Radio/911	4/2/2021
[REDACTED]	Police Communications Operator Radio/911	4/1/2021
[REDACTED]	Police Communications Operator Radio/911	4/3/2021
[REDACTED]	Police Communications Operator Radio/911	3/30/2021
[REDACTED]	Police Communications Operator Radio/911	4/17/2021
[REDACTED]	Police Communications Operator Radio/911	4/19/2021
[REDACTED]	Police Communications Operator Radio/911	4/2/2021

██████████	Police Communications Operator Radio/911	3/27/2021
██████████	Police Communications Operator	4/2/2021

Notice of Investigation (NOI)

Name	Job Title	Date of Response
██████████	Communications Supervisor	April 16, 2021
██████████	Communications Supervisor	April 14, 2021
██████████	Communications Supervisor	April 20, 2021
██████████	Communications Supervisor	April 22, 2021
██████████	Communications Supervisor	April 19, 2021
██████████	Communications Supervisor	April 20, 2021
██████████	Communications Supervisor	April 20, 2021 May 6, 2021
██████████	Communications Supervisor	April 15, 2021 May 6, 2021
██████████	Communications Supervisor	April 15, 2021
██████████	Communications Supervisor	April 22, 2021
██████████	Communications Supervisor	May 20, 2021
██████████	Communications Supervisor	April 14, 2021
██████████	Communications Supervisor	April 17, 2021
██████████	Communications Shift Supervisor	April 14, 2021
██████████	Communications Shift Supervisor	May 12, 2021

III. Matter(s) Investigated:

Matter #1: On February 26, 2021, ██████████ was asked to work 5 hours and 15 minutes of mandatory overtime which totaled over 15 hours at Phoenix’s 911 dispatch center for her entire shift.

Finding: No Policy Violation.

- [REDACTED] regular work hours are 9:30am to 19:30 (7:30pm). On February 26, 2021, [REDACTED] worked until 12:45 am due to mandatory hold over requirements. [REDACTED] was assigned to work mandatory hold over, which is different from mandatory overtime. Mandatory overtime is scheduled in advance. Mandatory hold over is required when there are unexpected staffing shortages that day.

1. **Unit 3 Memorandum of Understanding (MOU)**, page 37, "Overtime shall be worked and shall be allowed if assigned by the non-unit supervisor or other authorized representative of the City. The City shall endeavor to be equitable in the distribution of voluntary overtime amongst qualified employees or crews of employees within the same classification, function, work location, and shift. Seniority may be used as a factor in determining the assignment of overtime work. Other factors include work history, skill level, assigned equipment, etc. The City will make available to the Union, upon request, reports of overtime worked by unit members on a quarterly basis. Overtime shall be voluntary, except however, the City reserves the right to assign overtime in the event insufficient employees volunteer, or to avoid inadequate staffing, or to ensure timely service delivery, or to conduct mandatory training."
2. **Communications Bureau Minimum Staffing Requirements Policy B-1**, "Each shift supervisor will determine the minimum staffing needs for his/her shift based on operational need and statistical data. The shift supervisor will communicate the minimum staffing requirements to the communications supervisors responsible for staffing both 911 and Radio positions. Shift supervisors will have discretion in allowing leave and scheduling additional staff outside the minimum standards."

Matter #2: Police Communications Operators who opt out of mandatory hold over at the end of their shift get written up if they are not feeling well.

Finding: Unfounded due to no discipline on record for operators and COVID-related policy to hold employees harmless for attendance policy violations.

- One (1) union representative stated, "We have been told that if a dispatcher is asked to hold over on their shift and they leave, they will get charged with failing to follow a direct order and supervisors will start the disciplinary process. This has been that way [sic] since a long time ago, so this is still something that employees feel will happen."
- Another union representative stated, "I don't think enough was done to inform staff that you were not to come to work and to go home if they felt sick. People still felt fear."
- A third union representative stated, "Prior to COVID, we would receive a coaching if we couldn't stay. It's not in a policy, it's a directive. Now when someone needs to leave, they can use their passes." When asked to explain how the passes work, this representative stated, "We get one pass per year, it's not a policy, just a practice." She said that the practice did not change after COVID.
- Eight (8) supervisors denied that since the pandemic, Communication Operators will get written up.
- Three (3) supervisors confirmed that Communication Operators would get written up even after the pandemic.

- Seventeen (17) out of thirty-four (34) Communication Operators confirmed that they believed they would get written up even after the pandemic. However, several staff stated the response from supervisors was inconsistent.
- Discipline records were checked from March 2020 to present and no discipline was recorded for refusing to work overtime.

1. **Citywide COVID FAQ's** regarding employees reporting to work sick (Page 8):

Q. **What if someone comes into work sick?** If an employee reports to work showing symptoms of COVID-19 such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, nausea or vomiting, or diarrhea, they will be sent home. If sent home, employees will have the leave options referenced above. (Updated 8-6-20)

2. **Christopher Tucker, Police Commander's Communications All Email, dated: November 20, 2020** stated the following:

"Hi everyone,

We are all in this together to do everything we can to reduce the spread of COVID. If you test positive or if you are experiencing signs and symptoms of COVID, do not come to work. We are making exceptions for COVID related callouts. Whether you are scheduled to work your regular shift, on paid standby, or working overtime, notify a supervisor and let them know you have tested positive or are experiencing signs and symptoms of COVID and continue to follow public health guidelines to keep you and your loved ones healthy.

Thank you!"

3. **Employee Notification System (ENS) Email, Dated: December 14, 2020**, stated in pertinent part: "Masks are mandatory for officers when in public and for all employees in common areas and anywhere social distancing can't be practiced.

Remember if you are feeling sick, stay at home. If you test positive make sure your supervisor contacts the safety pager. Here are a few other reminders:

- Practice good hygiene, wash your hands often with soap and water for at least 20 seconds.
- You must stay home for 10 days before returning to work and have no fever for 24 hours without medication or other symptoms.
- Cleaning is a proactive process not reactive. Clean your work area before and after use.

4. **ENS Email, Dated: December 18, 2020**, stated in pertinent part: "We must take steps to minimize close contact with others where possible. This includes holding meetings virtually using WebEx, telephone, etc.

Additionally, follow these steps from Maricopa County Department of Public Health:

- Keep your hands clean. They should be washed often with soap and water for at least 20 seconds. Use an alcohol-based hand sanitizer when soap and water are not available.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Use a tissue to cover your cough or sneeze, then toss it in the trash.

- Frequently touched objects and surfaces should be cleaned on regular basis.”

Matter #3: ██████████ returned to work from leave due to COVID-19 still feeling ill.

Finding: ██████████ did not report feeling ill upon her return to work.

- ██████████ was off from work continuously from January 13, 2021 – February 19, 2021 (5 weeks). It was confirmed that she was off for COVID related reasons. She returned to work on Tuesday, February 23, 2021 and worked a 4/10 schedule with Friday, February 26, 2021 being her last day worked.
 - According to ██████████ immediate supervisor, ██████████ did not tell her she was feeling ill when she returned on that Tuesday, February 23, 2021. The supervisor also stated that she did not observe any signs or symptoms of illness.
 - Under COVID rules, it was not a requirement for employees to submit a doctor’s note before returning to work.
1. According to the Safety Division in Human Resources (HR), the City follows the Maricopa County Health return to work criteria. The return to work criteria has changed a few times throughout the pandemic; however, the County has not required a doctor’s note or negative test to return. The return to work criteria includes a quarantine period and a set number of days without symptoms prior to returning.
 2. ██████████ did not inform her supervisor that she was feeling ill when she returned from leave.

Matter #4: On February 26, 2021, ██████████ informed her supervisor that if they mandate her to work overtime, she would go home in an ambulance.

Finding: Policy Violation. This violates the Citywide policy of sending employees home that are sick.

- On February 26, 2021, at 15:52 pm (3:52 pm) ██████████ sent a message to ██████████ stating, “YOU ARE NEXT TO MANDATE, I NEED YOU UNTIL 2330 PLEASE AND THANK YOU”.
- At 15:54 pm (3:54 pm), ██████████ replied, “I MIGHT DIE, BUT OK”.
- At 15:55 pm (3:55 pm), ██████████ replied, “PLEASE DON’T, NOT ON MY WATCH. I APPRECIATE YOU GETTING BACK TO ME QUICK. PLEASE HELP YOURSELF TO THE MANDO MART OVER THERE.”
- At 15:56 pm (3:56 pm), ██████████ replied, “I JUST CAME BACK FROM COVID FOR A MONTH...I CAN BEARLY WALK OE [sic] BREATHE. I WILL STAY SITTING.. :- (“
- When the Communications Supervisor (who assigned the mandated holdover) was asked why he responded “Please Don’t, Not On My Watch” when ██████████ stated that she might die after he informed her that she had mandatory holdover, he stated, “...she initially told me upon being mandated “I might die, but okay.” I believed this to be an expression of sarcasm, which is normally the case when employees are being held over and I read this as such. My response was merely a return gesture at sarcasm while reminding ██████████ of the access she had to the food program “mando mart” that I helped create for employee [sic] being mandated.”
- When this Communications Supervisor (who assigned the mandated holdover) was asked why he did not respond to ██████████ after he received the CAD message back stating that she could barely breathe or walk, he stated “I never physically observed ██████████ on this day. I was supervising from the facility at Elwood and she was working at the facility at police headquarters (620). Her messages were taken as being sarcastic. I believe if someone was truly ill, they would

have indicated to me as such and not agreed or affirmed to work. Also, [REDACTED] was still in possession of her “free” pass to use.”

- [REDACTED] direct supervisor confirmed that [REDACTED] did have a pass to use. The staff get a free pass every year where they can decline to work overtime or hold over without repercussion. According to [REDACTED] supervisor, the last time she used a pass was June 5, 2020.
- [REDACTED] direct supervisor stated “Though I was [REDACTED] direct supervisor and we were working together in the same building on February 26, 2021, she did not tell me she wasn't feeling well. I only spoke to [REDACTED] very briefly that morning as she was actively taking 911 calls at the time. She did not appear ill to me and I observed no symptoms of her not feeling well.” She also stated that on the Tuesday, February 23, 2021 when [REDACTED] returned from leave, she excused her from working mandatory overtime for that week. She stated, “I don't remember specifically what she said but it was something like she was getting back into the swing of things. That's when I told her to take care of herself and make sure she takes extra breaks if she needs it. In the course of that conversation, I told her don't worry about signing up for the 8 hours overtime for that week. I think it was in response to her telling me she signed up for the following weeks. She didn't say that she wasn't feeling well.”
- One of the Communications Shift Supervisors, who supervises the Communications Supervisors, was asked why [REDACTED] was assigned mandatory holdover when her direct supervisor had excused her from working overtime for the week. The Communications Shift Supervisor said that the overtime excuse would not have automatically excused [REDACTED] from being selected for mandatory holdover. She stated, “In cases where employees are exempt or restricted from working mandatory OT, supervisors will typically email the supervisor group and let everyone know someone has been excused or restricted from mandatory OT. This is typically done in cases where employees provide a doctor's note restricting them. Supervisors typically also will put in the log that an employee has been excused or restricted from mandatory OT so that the other supervisors will know.” [REDACTED] did not provide a doctor's note to her supervisor or tell her supervisor that she was feeling ill. [REDACTED] also did not communicate to the supervisor that assigned her mandatory holdover that she had been excused from working overtime for the week.
- Another supervisor stated, “[REDACTED] came into the supervisor pod and made a general statement to the supervisors in the pod that she was mandated to stay and “it may kill her, but she would stay.” After making this statement she returned to her chair and continued to answer incoming calls. This encounter was very short and [REDACTED] did not appear to have a need to talk with a supervisor. I believed [REDACTED] was venting the frustration of being mandated to stay longer which was a common reaction that many other employees have done and as a result I determined not to address her statement. She did not seem to be ill or not feeling well.”
- Another supervisor, who was present in the supervisor's pod when [REDACTED] informed them she got mandated, stated that [REDACTED] said in a very sarcastic tone, “Yeah, I might die.” and proceeded with a small chuckle.. [REDACTED] did not say she was not feeling well or that she needed to go home.”
- Three (3) out of thirty-four (34) Communications Operators that worked on February 26, 2021 stated that [REDACTED] mentioned having a hard time breathing, feeling worn down, or exhausted this date. Supervisors reported that they were not made aware of [REDACTED] feeling ill.

1. Citywide COVID FAQ's regarding employees reporting to work sick (Page 8):

Q. What if someone comes into work sick? If an employee reports to work showing

symptoms of COVID-19 such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, nausea or vomiting, or diarrhea, they will be sent home. If sent home, employees will have the leave options referenced above. (Updated 8-6-20)

Matter #5: On February 26, 2021, the supervisors did not care that [REDACTED] was coughing like a seal during her shift.

Finding: Unfounded.

- There were five (5) supervisors that worked with [REDACTED] during their shift and none of them witnessed her coughing.
- Two (2) out of Thirty-four (34) Communications Operators stated they heard [REDACTED] cough on this date. One Dispatcher stated “She always had a cough; it was like a daily thing. I was in the breakroom and she was at lunch and I did hear her then. That’s when I asked her how she was doing and that’s when she said she was having a hard time breathing.”

Matter #6: On February 26, 2021, [REDACTED] was told that she had to stay at work until 1:00 am and cried while at work.

Finding: Unfounded.

- There were five (5) supervisors that worked with [REDACTED] during their shift and none of them witnessed her crying at work.
- None of the thirty-four (34) Communications Operators observed [REDACTED] crying at work

Matter #7: One in five of the approximately 187 Police Communications Operators contracted the virus in December and January alone, including [REDACTED]

Finding: No policy violation.

- According to the Police Department’s HR Section, there are currently 235 Communications Operators in the Communications Bureau.
- The Sergeant of the Safety Unit in the Police Department stated that this statistic is unable to be verified because they track the number of cases not specifically by individuals. He could only provide the number of employees that tested positive and the work locations they were assigned to on the day they reported testing positive. The work location information is only good for the day in which it was reported due to changes in assignments. He provided the following statistics:

Number of Reported COVID Cases in the Police Communications Bureau

Month	December	January
Number of Cases	12	33

- The total number of cases for December and January is 45. 45 cases amongst 235 employees is approximately 19%. This is close to the 20% in media reports.

Matter #8: The city did not begin deep cleanings until after ██████████ had already contracted the virus in January.

Finding: Extra cleaning was already in place due to the pandemic, but additional measures were added in January.

- According to the Police Administrator, stringent cleaning protocols have been in place at the two Police call centers since the pandemic began including deep cleaning after a positive COVID case is identified. Prior to Pandemic, there were daily standard custodial cleaning in common areas like breakrooms, meeting rooms, bathrooms, and taking out the trash.
- After the Pandemic, in addition to the daily custodial cleaning, the Communication Operators were instructed to wipe down their workstations at the beginning and end of their shifts. Additional measures were also instituted to support physical distancing by maximizing space at both call center sites and modifying pre-pandemic practices, such as having staff move to different works stations to provide relief during their shifts.
- In December 2020 when cases began rising statewide and following a recommendation from American Federation of State, County, and Municipal Employees (AFSCME) Unit 3, Police staff worked with the Finance Department to allocate funding and added contracted services to provide additional cleanings twice a day (9:30am and 7pm) at both Police call center sites. The deep cleaning includes disinfecting all desks including keyboards, mouse, chairs, tables, and surrounding areas like cubicle walls. These services are in addition to the standard custodial cleanings performed daily, as well as the continued protocols requiring staff to clean and sanitize their workstations.
- ██████████ took COVID leave starting January 13, 2021, and the contractor's invoice confirmed the deep cleaning began January 25, 2021.

Matter #9: ██████████ worked phones from her hospital bed as the union pushed for expanded cleaning and supplies.

Finding: Unfounded.

- It was confirmed that ██████████ was on leave from October 27, 2020 – December 30, 2020.
- ██████████ stated that she voluntarily made one call to the Unit 3 Union President, Frank Piccoli, regarding cleaning. She stated, "It was the day after my surgery that Frank sent the daily COVID numbers. There were 3 positive cases. I told Frank that we need to push to get cleaning, if they are starting to break out in our bureau." This call is not considered work time.

Matter #10: Police Communications Operators were told they could only use one Clorox wipe per shift to sanitize their workstations.

Finding: Clorox brand wipes were limited however other wipes and cleaning supplies were available.

- One (1) union representative stated this was true.
- Ten (10) supervisors had no knowledge of this directive.

- Two (2) supervisors stated this was true.
- Twenty-two (22) out thirty-four (34) Communications Operators confirmed this to be true but most stated it was at the beginning of the pandemic due to the shortage of wipes.
- Jill Celaya, Police Administrator, stated “At no time were Police call center staff asked to ration sanitizing wipes. Early in the pandemic, personnel were asked to be judicious in the use of these supplies since they were scarce and difficult to obtain, even for public safety. Staff in the Police call centers expressed a preference for the Clorox brand wipes due to fragrance and skin sensitivity issues. The Police Department had a limited supply of the Clorox wipes. These were set aside specifically for use by Police call center staff, while all other Police Department personnel used other branded sanitizing wipes and cleaning supplies. Due to nationwide supply chain disruptions experienced at the height of the pandemic, Clorox brand wipes were not able to be ordered. Police call center staff were informed of the limited supply of the Clorox brand wipes and were advised that once exhausted, other brands of sanitizing wipes and cleaning supplies would need to be used until such time as the Clorox brand products could be acquired.”

Matter #11: In late October 2020, supervisors resumed holding in-person indoor shift briefings for several weeks.

Finding: No Policy Violation. The citywide policy stated to limit in person meetings but did not prohibit all in-person meetings. There was a call-in option available, and there was a directive for social distancing and masks.

- Eight (8) supervisors confirmed this to be true. It was stated that the briefings were approved by the management team and began in October and included a call-in option and social distancing as much as possible. It was stated that the meetings only lasted a couple of weeks and then the management team gave the directive to stop them.

1. Citywide COVID FAQ's regarding employees having meetings (Page 3):

Q. Can employees have meetings? The City encourages limiting in-person meetings as much as possible. Please utilize teleconferencing or SKYPE options, as well as other alternatives. Departments should also work with Information Technology to request VPN or other remote work capabilities, as necessary for staff due to teleworking schedules. If an in-person meeting is required, attendees must be distanced at least 6 feet apart and wear a face covering (mask) at all times, per the City's new mandatory face covering policy. (Updated: 6-15-2020)

Matter #12: One Police Communications Operator received her positive COVID-19 test results during her shift and a supervisor made her stay at work to fill out a leave form before going home.

Finding: Unfounded.

- The affected Communications Operator stated that this was true.
- One (1) union representative witnessed the employee at her desk completing the leave before she left, but this representative did not witness the conversation between the employee and the supervisor.

- The supervisor alleged to have directed the employee to complete the leave slips denied this to be true. He was not her direct supervisor. He stated, "I recall telling her I would need to ask her questions that we were told by management to ask of any employee who informs us of a positive COVID test (the COVID worksheet)." He said he had her sit in the supervisor's pod away from her co-workers so no one else would be put at risk. He said it took about 5 minutes to ask the questions. He stated, "We discussed how long she would be away from work, and when she was eligible to return. She then exited the pod to leave." He thought she went home after their conversation.
- Another supervisor, who was a witness to the conversation between the employee and the supervisor also denied this to be true. She stated, "No one sent her back to her desk to do any slip. If she returned to her desk, it was to gather personal belongings before leaving."

Matter #13: Employees gather in groups to talk while at work.

Finding: Policy Violation. This violates the City and Police Department directives regarding social distancing.

- Two (2) union representatives confirmed this to be true.
 - Eight (8) supervisors denied witnessing this.
 - Three (3) supervisors confirmed witnessing this. Some stated they would remind staff of the directive.
1. **City Manager's Office Email Dated: December 11, 2020**, to all employees regarding physically distancing: "Still health experts say we must continue to wear masks, wash our hands frequently and physically distance."
 2. **ENS Email, Dated: February 19, 2021**, to all Phoenix Police Department employees regarding social distancing: "As a reminder, we must continue to wear face masks and practice social distancing."

Matter #14: Employees roll plexiglass screens out of the way.

Finding: Policy Violation. This violates the directives sent from supervisors to staff with instructions to not move the partitions.

- Two (2) union representative confirmed this to be true.
 - Nine (9) supervisors denied witnessing this.
 - Two (2) supervisors confirmed witnessing this.
1. **██████████, Police Communications Shift Supervisor, Communications All, Email Dated: December 17, 2020**, stated, "In an effort to further protect each employee, plexiglass partitions have been placed at some of the work stations in the Comm centers. This is a work in progress and ██████████ and her group are working out further placement of these partitions. Please do not move them around. There is concern that they will be broken or fall over and would hurt someone. Thank you.
Bcc: commall"

2. [REDACTED], Administrative Supervisor, Communications All Email, Dated: February 22, 2021, stated, "Hello Everyone, We have recently received 20 new scissors screens (dividers between the desks) at Elwood and the 10 that were broken have been fixed. The screens have been put between the desks in accordance with social distancing practices. Please do not move these screens; they are fragile, and we don't want them to get broken. Thank you for your help in not moving them!"
3. [REDACTED], Police Communications Shift Supervisor, Email to PPD Communications Supervisors, Dated: February 22, 2021, stated in pertinent part: "Additional protection screens/dividers have been delivered to Elwood. They need to stay where they are. They are being moved and others are complaining about it. All supervisors need to monitor the screen placement. Several email have been sent out telling people not to touch them but they still do. If you see someone moving them please address it with the individual moving it."

Matter #15: During the previous holiday season, at least 20 employees attended a holiday gathering.

Finding: No policy violation.

- One (1) union representative stated that it was her squad that attended this gathering, and it was not during work hours. It was held on Friday, December 18, 2020. She stated, "We reserved a venue outside and socially distanced for a holiday dinner...We stayed within COVID requirements and restaurant requirements."

Matter #16: Employees are unable to wear a mask while handling calls.

Finding: Unfounded.

- A Communications Shift Supervisor confirmed that masks are able to be worn but are not mandatory while employees are on calls or on the radio because they are appropriately distanced.

Matter #17: Police Communications Operators are expected to work eight hours of overtime and two on-call shifts each week. Dispatchers only get one day off per week.

Finding: Unfounded.

- A Communications Shift Supervisor stated, "Staff was instructed to sign up for mandatory OT as they previously had been. They were taking two short OT shifts per week, or one 8-hour shift." All of the Communication Operators work four (4) 10-hour shifts per week. It is the employee's choice of whether they want to work an 8-hour shift on their off day (N-Day) or extend 2 of their regular shifts for 4 or 5-hour blocks for overtime. Consequently, the Communication Operators get more than 1 day off per week. Depending on the employee's choice, they will have either 3 days off per week or 2 days off if they choose to work the 8-hour shift of overtime.

IV. Documentation Reviewed

List the documents reviewed such as eCHRIS reports, PMG's, badge reports, phone records, etc.

- eCHRIS Leave Report
- LAMP Audit Record Report
- Police Communications Statistics, COVID-19 Reporting
- CAD Operator Messages Report, Dated February 26-27, 2021
- Discipline Detail Report
- Citywide COVID FAQ's
- [REDACTED], Shift Supervisor's Communications All Email, Dated January 11, 2021
- Jill Celaya, Police Administrator's Email, Dated March 16, 2021
- Jill Celaya, Police Administrator's Email, Dated March 17, 2021
- Invoice from Contractor, Allied Universal, Date of Service for 1/25/2021
- Unit 3 MOU
- Mandatory Holdover Spreadsheet, 2017-2021
- Communications Bureau Minimum Staffing Requirements Policy B-1
- Christopher Tucker, Police Commander's Communications All Email, Dated: November 20, 2020
- ENS Email, Dated: December 14, 2020
- ENS Email, Dated: December 18, 2020
- ENS Email, Dated: February 19, 2021
- City Managers' Office Email, Dated: December 11, 2020
- [REDACTED], Police Communications Supervisor, Email to PPD Communications Supervisors, Dated: October 9, 2020
- [REDACTED], Police Communications Shift Supervisor, Communications All Email, Dated: December 17, 2020
- [REDACTED], Police Communications Shift Supervisor, Email to PPD Communications Supervisors, Dated: February 22, 2021,
- [REDACTED], Administrative Supervisor, Communications All Email, Dated: February 22, 2021
- [REDACTED], Police Communications Supervisor, Email to Direct Supervisor, Dated: February 24, 2021

VI. Conclusion

After a review of the information gathered during the investigation, it was determined that [REDACTED] would not have received discipline for declining to work the mandatory hold over on February 26, 2021. This was determined not only due to the policy changes during the pandemic that were communicated to supervisors and staff, but also under the pre-pandemic policy. [REDACTED] had a free pass that she could have used to be excused from the mandated holdover without question or repercussion. [REDACTED] did not request to use her free pass with the supervisor who told her that she was assigned mandated holdover or the supervisors in the pod when she informed them she was mandated to stay.

The Police Communications Bureau is very challenging from a staffing perspective. They have to meet the expectations of the community regarding response times, as well as meet minimum staffing requirements mandated by the State. The number of employees and shifts that are required to be staffed can be difficult, especially considering they currently have forty-two (42) vacancies and an average of over forty (40) vacancies for the last several years. Fortunately, changes are being made as it relates to compensation, which will hopefully attract more qualified candidates and assist in retaining existing staff.

Prior to February 26, 2021, the Police Department has been working on changes to its staffing methods. They have developed a plan to completely revise schedules to better accommodate the operational needs and reduce mandatory overtime for staff. This plan is expected to reduce the mandatory overtime burden to realize financial savings, but more importantly, address the health and wellness of staff. It is designed to meet the needs of the community with appropriate staffing for incoming 911 calls and support the Patrol officers with staffed radio channels. The new schedule is expected to reduce the mandatory overtime from an average of 710 hours per week to 125 hours per week. (This is an 84.4% decrease in mandatory overtime) Here are some highlights of this new staffing method:

1. This reduction is contingent upon personnel showing up for scheduled work – since the “hold harmless” attendance policy has been eliminated, the staffing has improved but it is hopeful this schedule will improve attendance overall by reducing working non-work days (N-days) or holdovers.
2. Overtime blocks that are needed will be reduced from 4-5-hour blocks to 2-hour blocks eliminating long shifts even when overtime is used.
3. This schedule will utilize a combination of 5/8 and 4/10 schedules to maximize coverage with the existing staffing numbers.
4. As vacancies are reduced, shifts will be strategically added where needed to further reduce the 125 hours of weekly overtime.

VII. Recommendation(s):

The following are some recommendations that will address concerns brought forward:

- Issue corrective action to the Communications Supervisor that mandated the holdover, who [REDACTED] reported symptoms of illness.
- Develop a communication policy for the Communications Supervisors to assist them in sharing information, such as overtime exceptions and return-to-work issues.
- Update the Police Department COVID Positive Worksheet to include directions for staff that receive positive test results while at work. It should be noted that these employees should be sent home immediately and the worksheet completed later.

Appendix A



City of Phoenix

To: Communications Operator **Date:** March 26, 2021

From: Denise Overstreet
Deputy Human Resources Director

Subject: POLICE DEPARTMENT INVESTIGATION – WITNESS MEMO

The Human Resources Department is conducting an investigation into events that occurred on February 26, 2021 in the 911 Dispatch Center, and you have been identified as a potential witness. I want to assure you that you are considered a witness and are not under investigation. Please answer the following questions and return this document with your responses by email to me by April 2, 2021. If you need additional time, please let me know.

This is considered a confidential investigation. The confidential status of this investigation ensures the integrity of the process and reduces the opportunity for unsupported speculation. Please do not discuss the facts and circumstances being investigated with **anyone** other than myself, or Meghan Brewer, Senior Human Resources Analyst, who is assisting me. You can also consult with your union representative if you choose to do so.

Should you have any questions concerning the content of this memo, please contact me at (602) 495-0264 or Meghan at (602) 534-4409.

Questions

1. On February 26, 2021, did you have any interaction with [REDACTED] during your shift? Yes No
If you answered no, please skip to question #3
2. Did [REDACTED] say anything to you about being sick or not feeling well?
Yes No
If you answered yes, what did she say?

3. Did you witness any conversations between [REDACTED] and her supervisors regarding being ill? Yes No
If you answered yes, which supervisors and what was said?

4. Did you observe [REDACTED] coughing while working on this date? Yes No
If you answered no, please skip to Question #6
5. Did you witness any supervisor addressing the coughing concern with her?
Yes No
If you answered yes, who and how did they address this concern? _____
6. Did you observe [REDACTED] crying during work? Yes No
If you answered no, please skip to Question #8.
7. Did she tell you why she was crying? Yes No
If you answered yes, please explain what she said. _____
8. During this pandemic, what is your understanding of what happens if you decline to work a mandatory holdover after your shift because you are ill?

9. Was there a directive limiting the use of all sanitizing wipes or only Clorox?
Yes No
If you answered yes, what was the limit, who gave it, and when was this given?

WITNESS MEMO
SAMPLE