

## **CORINTH POLICE DEPARTMENT**

MEMORANDUM

September 7, 2006

TO: Officer Wesley Spitzer FROM: Chief Gill Bonjurno SUBJECT: Disciplinary Action – Termination of Employment
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You were the subject of a Last Chance Agreement that you agreed to and signed on 5/26/05. This last Chance Agreement was entered into in connection with an off-duty incident where you were arrested for driving while under the influence of intoxicants. The City and Department made it quite clear to you that this Last Chance Agreement was indeed your last chance to continue on with your employment as a Police Officer with the City of Corinth.

The Last Chance Agreement required you to successfully complete treatment for alcohol abuse. You have done so. But the Last Chance Agreement also prohibited you from any violation of law, or City or Department policy or regulation. The Last Chance Agreement also made it clear that you agreed that the City could choose to terminate you, rather than following the contractual progressive discipline if you violated any City or Department policy or regulation. The Last Chance Agreement made it clear that a violation of any City or Department policy or regulation could result in your termination.

You were personally counseled by your Captain on April 17, 2006, regarding the Last Chance Agreement, and he gave you a written document regarding your Last Chance Agreement. On 5/16/06, a urinalysis determined that you had codeine in your urine. You reported to the Physician who conducted the urinalysis testing and to your supervisor that you had taken a prescription cough medicine and that the prescription was not yours.

As a police officer, you have received training regarding controlled substances. You knew or should have known that taking a prescription drug that is not prescribed to you is the unlawful possession and use of a controlled substance - a crime under the Oregon Revised Statutes. Based on your training, the employee handbooks, and the General Orders, you knew or should have known that the City and Department have drug-free workplace policies that address the use of prescription drugs.

You knew or should have known that the use of a prescription drug that is not prescribed to you is not consistent with the drug-free workplace policies. You knew or should have known that you were to report your use of any prescription drug that could affect your work performance to your supervisor.

As a result of your urinalysis, we conducted an internal investigation into your actions. Lieutenant Jon Kelly's investigation into your actions documents the following

violations of Corinth Police Department policy:

General Order 1.9.2 (A) Duties of All Police Department Members - General.

General Order 1.9.2 (B) Duties of All Police Department Members - Obedience to Orders.

General Order 1.9.2 (P) Duties of the Police Department Members - Rules of the City or Corinth.

General Order 1.9.3 (c) Prohibited Acts - Possession/Purchase or Use of Cannabis or Controlled Substances.

General Order 1.9.3 (AJ) Prohibited Acts - Conduct Unbecoming a Member.

General Order 1.9.3 (AV) Prohibited Acts - Violation of Law.

General Order 1.9.3 (AAH) Prohibited Acts - Duty to Read/Understand/Comply with Orders.

City of Corinth Administrative Policy Area 3: Personnel Matters - AP 96-3.06 -  
Drug Free Workplace - 3.06.33.

A copy Kelly's internal affairs report was provided to you prior to your August 23, 2006, pre-disciplinary hearing.

Based on the results of this investigation and related documentation, it was recommended to me that your employment be terminated. In response to that recommendation I met with you and your union and legal representation. After that meeting I met with the City Personnel Director and the City Attorney to discuss this investigation and the explanations provided in your effort to mitigate your actions.

After much thought and consideration of all of the circumstances I am convinced that termination is the proper action for me to take. Effective immediately your employment status is terminated.

It is your right under the City of Corinth and Corinth Police Officers' Association Agreement Article 19 to grieve this action. This grievance would start at Step 3.

Please notify the City Manager's Office in writing no later than 1700 hours, September 20, 2006, (12 calendar days from today) to inform his staff whether or not you request a meeting with the City Manager to grieve this action.

C: Personnel Department  
Personnel File