

EMPLOYEE PERFORMANCE NOTICE

SD-08-122
INCIDENT NUMBER

NAME	ID	DEP. DIVISION	DATE OF OCCURRENCE	TIME	CASE NUMBER
SIAS, MARK	7197	LES/ DISTRICT IV	01/09/2008	INTERNAL AFFAIRS	08-933

AREA OF UNSATISFACTORY ☒ EXCEPTIONAL ☐

- | | | |
|--|--|---|
| 1. JOB ABILITY
☒ Knowledge of Rules
☐ Use of Equipment
☒ Technical Skills
☒ Oral/Written Communications
☐ Analytical Ability | 2. VOLUME OF WORK PRODUCED
☐ Amount of Work Produced
☐ Speed
☐ Meeting Schedules
☐ Able to Work Under Pressure
☐ Attendance | 3. QUALITY OF WORK PRODUCED
☐ Accuracy
☐ Neatness
☐ Thoroughness
☐ Organization
☒ Reports & Correspondence |
| 4. DEPENDABILITY
☒ Completing Assignments
☒ Following Instructions
☐ Using Initiative
☒ Using Judgment | 5. INTER-PERSONAL RELATIONS
☐ Attitude Toward Co-Workers
☐ Attitude Toward Supervisor
☐ Attitude Toward Public
☐ Shown by Appearance/Words | 6. WORK ATTITUDE
☒ Following Rules
☐ Observing Work Hours
☐ Being Safety Minded
☐ Being Cost Conscious
☐ Caring for Equipment |
| 7. SUPERVISORY ABILITY
☐ Planning & Scheduling
☐ Developing Employee Skills
☐ Encouraging Teamwork
☐ Evaluating Performance
☐ Discipline
☐ Getting the Job Done | | |

- with work of district*
- Instructions**
- Use this form to document all performance below or above accepted standards
 - One or more areas of knowledge/performance may be covered on each form
 - Use remarks sections to explain items checked
 - Attach Documentation/Reports, if applicable.

Remarks: 26.2.35 Submission of Reports and Documents - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor.

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.

On 01/09/2008, you responded to an accident with injuries. You were assigned a case number for the incident, and cleared the call with a report. You were sent emails from VCSO records on 03/04/2008, 03/13/2008, 03/26/2008, 04/01/2008, and 04/22/2008 requesting a copy of the crash report (case #08-933) be submitted, as it was not in their possession, and the State Attorney's Office was requesting it. You replied on 03/13/2008, stating you would sent the report via interoffice mail that night. According to you, this crash report was not submitted to VCSO records until 04/22/2008. You failed to follow directives in reference to the submission of reports. The amount of time taken to submit this report is completely unacceptable.

I am documenting this incident with a Verbal Reprimand. You should govern yourself accordingly, as future violations of directives will be subject to progressive disciplinary action.

☐ Counseling ☒ Verbal Reprimand ☐ Letter of Commendation

Employee's signature indicates only receipt of a copy of this notice, not an acknowledgement of guilt (if unsatisfactory notice)

Signature of Employee	Date 5-21-08	Signature of Supervisor Preparing Notice SGT. J. TURNER 2509
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Reviewing Supervisor's initials

L Date 5/5/08	Capt. Date 5/17/08	Major Date 5/17/08	Sheriff Date 8/08/08
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Write-Employee PS-0148-0395
Pink-District Section/Unit
Yellow-Division
Goldenrod-Sheriff/IA 103097.004



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS

AUG 07 2008

RECEIVED

LETTER OF REPRIMAND

Name: SIAS, MARK ID# 7197 Case# 08-13873 / SD-08-120
Division: LAW ENFORCEMENT SERVICES Date: 07/21/2008
District: FOUR

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

42.1.20 The administrative case designations are:

A. Active - An open case. The following shall apply:

- The victim/complainant will be contacted as soon as reasonable, preferably in person, but phone contact is permissible.
- A supplement report shall be submitted within ten (10) days.
- At a minimum, each subsequent report will be filed every thirty (30) days as long as the case is active.

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.)

2. Specific behavior and dates of the behavior that support the charge.

On 04/24/2008, you responded to a burglary, and completed a report (VCSO case #08-13873). A supplement report was completed by you on 05/18/2008. The last line of your report reads as follows: "NO FURTHER ACTION WAS TAKEN AT THIS TIME. CASE STATUS: ACTIVE/OTHER"

To date, no other supplement has been completed. On 07/16/2008, at 0933 hours, you were notified via email that it had been more than 30 days since you had submitted a supplement to this report. You failed to submit another supplement in this case, even when the case status was listed as active. It has been more than 60 days since a supplement has been submitted in this case.

[Handwritten signature]

[Handwritten signature] 11/12/2008

**LETTER OF REPRIMAND
PAGE 2**

I am documenting this incident with a Letter or Reprimand in accordance with progressive discipline, as outlined in directive 26.1.1.

This violation of department directives is an unacceptable behavior. You were given a verbal reprimand on 05/21/2008 in reference to submission or reports. You should govern yourself accordingly, as future violations will result in further progressive disciplinary action.

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: [Signature]

Date/Time: 7-22-08

Supervisor: SGT [Signature] TURNER

Date/Time: 07/21/08 1730 HRS

Reviewed by:

Lt. [Signature] Date 08/05/08

Capt. [Signature]

Date 07/22/08

Major [Signature] Date 08/05/08

Sheriff [Signature]

Date 7/06/08

Distribution:

White-Employee

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA

Sheriff's Office



William R. Lee

Chief Deputy

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

TO: Deputy Mark Sias #7197
LES/District IV

DATE: September 22, 2008

FROM: Chief William Lee
Deputy Chief

FILE: 041M0087.08

SUBJECT: Notification of Internal Investigation

REFERENCE: IA #08-014

Pursuant to **STANDARD 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief William Lee.

This investigation is relevant to an alleged violation of Department Standards Directives:

- 26.2.96 Processing Property and Evidence** - Property and evidence which have been received in connection with official duties will be processed in accordance with the provisions of Chapters 83 and 84. Department personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. *(Violation subject up to dismissal.)*
- 26.2.133** Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall **result in increasing the severity of disciplinary actions.** *(Violation subject up to dismissal.)*
- 26.2.12 Absence from Duty without Proper Notification** - Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without supervisor's authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall cause notification of their supervisor not less than one hour prior to scheduled reporting time, whenever possible. *(Violation subject up to a 1 day suspension, with each day of unauthorized absence constituting an independent and continued violation.)*
- 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.)*

INT

- 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.*)
- 26.2.35 **Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor. (*Violation subject up to a 1 day suspension.*)
- 26.2.132 **Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training.** (*Violation subject up to a written reprimand.*)

And, 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.*

The alleged violations were reported to have occurred during the months of August and September 2008.

Be advised that you are prohibited from contacting the complainant and/or witnesses relative to this investigation.

An appointment will be made with you at a later date for the purpose of taking your statement.



This memo read and received by:

Deputy Mark Sias ID# 7197

Date: SEPT 25 08

Time: 1405

041M0087.08

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

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

Deputy Mark Sias ID # 7197
Volusia County Sheriff's Office
Law Enforcement Services Division
District IV

October 23, 2008

Intent to Suspend

Deputy Sias:

Be advised that as a result of your actions documented in Internal Investigation #08-014, it has been determined that you did violate the following Volusia County Sheriff's Office Standards Directives:

26.2.96 Processing Property and Evidence - Property and evidence which have been received in connection with official duties will be processed in accordance with the provisions of Chapters 83 and 84. Department personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. *(Violation subject up to dismissal.)*

26.2.133 Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions. *(Violation subject up to dismissal.)*

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26.2.35 Submission of Reports and Documents - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor. *(Violation subject up to a 1 day suspension.)*

26.2.132 Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. *(Violation subject up to a written reprimand.)*

And, 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:

On July 10, 2008, you volunteered to work an overtime shift for Deputy Martir scheduled for August 03, 2008. You failed to report to duty on August 03, 2008 for that over time shift. A supervisor inquiry was conducted by Sergeant Turney in reference to you being absent from duty without proper notification. Sergeant Turney obtained electronic communications between yourself and Deputy Martir which confirmed that you did in fact volunteer to work on August 03, 2008. The Mobile data message sent and received by you were time stamped on July 10, 2008, at 1019 hours. During the supervisor's inquiry conducted by Sergeant Turney, you admitted to failing to show up and work the agreed to shift and advised that you would not dispute the fact that you failed to report to duty on August 03, 2008, without proper notification.

During your sworn statement, you stated that on the day of the incident, you did not recall communicating with Deputy Martir via mobile data computer in reference to working overtime on August 03, 2008. However, during the supervisor inquiry you by your own admission stated that you later, after the fact, realized that you did agree to work on August 03, 2008, but just failed to record the overtime day in your planner. You, by your own admission stated that you accepted full responsibility for your actions of being absent from duty without proper notification.

On August 25, 2008, Jody Matson / Office Manager District IV composed an e-mail in reference to the possible mishandling of found property. Mrs. Matson advised that you were present on an unknown date in August of 2008 at District IV when Mrs. Iliana Ortiz attempted to turn in a set of keys as found property. While you were present, you overheard Mrs. Sherry Cannington / Office Assistant and Mrs. Ortiz discussing what to do with the keys. You advised Mrs. Cannington to take the keys from Mrs. Ortiz as found property. When Mrs. Ortiz exited the facility, you advised Mrs. Cannington to dispose of the keys by throwing them into the garbage. On August 25, 2008, Mrs. Ortiz returned to the District to claim the keys that she had turned in to the district. Mrs. Ortiz was told by Mrs. Cannington that the keys were already destroyed, and she was not able to return the property to her.

During your sworn statement, you admitted that you were in the conference room when you heard Mrs. Cannington and Mrs. Ortiz discussing if Mrs. Cannington was going to accept the keys as found property. You stated that you then advised Mrs. Cannington to take the keys, and you would take responsibility for the property. You, by your own admission stated that after Mrs. Ortiz exited the facility, you advised Mrs. Cannington to dispose of the keys. You stated that Mrs. Cannington was reluctant at first to dispose of the keys, but you advised her you would take responsibility for the property. You, by your own admission advised that you failed to follow Volusia County Sheriff's Office policy by not completing a property report, and placing the property into evidence. You stated that a lack of judgment and laziness coupled with the fact that you thought the keys would never be claimed led you to make a poor decision.

On September 11, 2008, you were dispatched to Saxon Medical Hospital in reference to an aggravated battery involving a juvenile. Upon arrival you were able to determine that the victim was involved in an incident that occurred at [REDACTED] Blvd., Deltona, FL. You obtained a verbal statement and obtained photographs of the victim's injuries. Upon returning to the district office, you verbally advised the primary deputy of the statements made to you by the victim. You then provided a second deputy with the digital camera which was utilized to obtain the photographs of the victim's injury. You failed to submit a supplement report, a property report, and you failed to enter the photographs into evidence that you obtained at the hospital.

During your sworn statement, you stated upon contacting the juvenile you obtained a verbal statement from him about his injuries. You advised that you were also able to obtain digital photographs of the victim's injuries. You stated that you failed to complete a supplement report and failed to enter the photographs into evidence. However, upon returning to the District, you relayed the information you obtained to the primary deputy verbally, and provided the photographic evidence to Deputy Vega to log into evidence. You stated that you failed to document your involvement in the incident because it was the end of your shift, and by your own admission classified your actions as being somewhat lazy. You accepted responsibility for failing to follow departmental policy in reference to processing property and evidence and failure to follow directive or orders.

Although you were forthright during the Investigation into the above described incidents, your lack of judgment in handling these events will not be tolerated.

On July 6, 2008 at approximately 1340 hours, you parked your county assigned vehicle, p/n 166529, at 15A / North Woodland Blvd., Deland, FL in reference to a call for service. After clearing the call you attempted to leave the scene, at which time your vehicle became stuck in a ditch. You were able to free the vehicle from the ditch; however, the bumper cover was caught on the dirt slope of the ditch. Due to your action while operating the vehicle in a non-emergency manner to exit the ditch, the vehicle sustained \$975.40 in damages. Deputy Sias you parked your vehicle in an area you

shouldn't have, which shows poor judgment. Deputy Sias you have been employed by the Volusia County Sheriff's Office since 02/20/2006 and have been involved in (6) six crashes while operating county vehicles. You have been at fault in (3) three of the crashes including this incident. Your repeated careless handling of equipment and vehicles will not be tolerated.

Deputy Sias you have also previously been the subject of the following disciplinary action:

1/23/2007	26.2.005	Neglect of Duty	Sustained
	26.2.035	Submission of Reports and Documents	Sustained
	26.2.131	General Proficiency	Sustained
5/15/2007	26.2.098	Careless Handling of Equipment	Sustained
6/27/2007	26.2.005	Neglect of Duty	Sustained
7/16/2007	26.2.041	Negligence Associated w/ safety of Person	Sustained
	26.2.131	General Proficiency	Sustained
	26.2.133	Repeated Failure to Maintain Required Skill	Sustained
10/18/2008	26.2.098	Careless Handling of Equipment	Sustained
3/4/2008	26.2.034	Failure to Follow Directive or Order	Sustained
	26.2.035	Submission of Reports and Documents	Sustained
5/12/2008	26.2.033	Inattention to duties, Loafing, Sleeping	Sustained
7/16/2008	26.2.034	Failure to Follow directive and order	Sustained

Due to the seriousness of the above listed policy violations, your repeated failure to govern yourself accordingly and your history documenting a lack of judgment, it is my intent to suspend you from duty **without pay** for forty (40) work hours. **You will not** be eligible to earn a well day during the six month time period in which you serve your suspension.

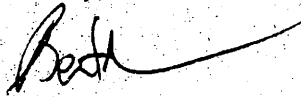
You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

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

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 you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within three (3) days of receipt of this notification with any information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than Tuesday, October 29, 2008 at 1600 hours. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,



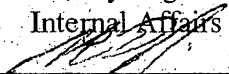
Ben F. Johnson
Sheriff

BFJ/tm040L0466.08

cc: County Personnel

County Legal

Internal Affairs


This letter read and received by:

Deputy Mark Sias ID #7197

Date: 10-27-08

Time: 3:15

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

Deputy Mark Sias ID # 7197
Volusia County Sheriff's Office
Law Enforcement Services Division
District III

November 10, 2008

Suspension Letter

Deputy Sias:

Be advised that as a result of your actions documented in Internal Investigation #08-014, it has been determined that you did violate the following Volusia County Sheriff's Office Standards Directives:

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A handwritten signature in dark ink, appearing to be "B. Johnson", is located in the bottom right corner of the page.

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Although you were forthright during the Investigation into the above described incidents, your lack of judgment in handling these events will not be tolerated.

On July 6, 2008 at approximately 1340 hours, you parked your county assigned vehicle, p/n 166529, at 15A / North Woodland Blvd., Deland, FL in reference to a call for service. After clearing the call you attempted to leave the scene, at which time your vehicle became stuck in a ditch. You were able to free the vehicle from the ditch; however, the bumper cover was caught on the dirt slope of the ditch. Due to your action

while operating the vehicle in a non-emergency manner to exit the ditch, the vehicle sustained \$975.40 in damages. Deputy Sias, you parked your vehicle in an area you shouldn't have, which shows poor judgment. You have been employed by the Volusia County Sheriff's Office since 02/20/2006 and have been involved in (6) six crashes while operating county vehicles. You have been at fault in (3) three of the crashes including this incident. Your repeated careless handling of equipment and vehicles will not be tolerated.

Deputy Sias you have also previously been the subject of the following disciplinary action:

1/23/2007	26.2.005	Neglect of Duty	Sustained
	26.2.035	Submission of Reports and Documents	Sustained
	26.2.131	General Proficiency	Sustained
5/15/2007	26.2.098	Careless Handling of Equipment	Sustained
6/27/2007	26.2.005	Neglect of Duty	Sustained
7/16/2007	26.2.041	Negligence Associated w/ safety of Person	Sustained
	26.2.131	General Proficiency	Sustained
	26.2.133	Repeated Failure to Maintain Required Skill	Sustained
10/18/2008	26.2.098	Careless Handling of Equipment	Sustained
3/4/2008	26.2.034	Failure to Follow Directive or Order	Sustained
	26.2.035	Submission of Reports and Documents	Sustained
5/12/2008	26.2.033	Inattention to duties, Loafing, Sleeping	Sustained
7/16/2008	26.2.034	Failure to Follow directive and order	Sustained

Deputy Sias, you were served with an intent to Suspend Letter on October 24, 2008, advising you of my intent to suspend you from duty **without pay** for five (5) workdays, which equates to forty (40) work hours. You were given the opportunity to make an appointment and appear before me in order to respond to this intended action. You appeared on November 03, 2008, and based on your admissions and attitude during our meeting, I made the decision to reduce your suspension, but your violation of policy was still upheld. In lieu of being suspended for five (5) workdays, which equates to forty (40) work hours, you are hereby suspended from duty without pay for a period of three (3) workdays, which equates to twenty-four (24) work hours.

The date of your suspension will be Friday and Saturday **December 19th and 20th, 2008**. You **will not** be eligible to earn a well day during the six month time period in which you serve your suspension.

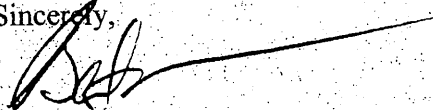
You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

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

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 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,



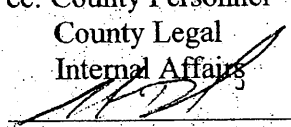
Ben F. Johnson
Sheriff

BFJ/tm040L0479.08

cc: County Personnel

County Legal

Internal Affairs


This letter read and received by:

Deputy Mark Sias ID #7197

Date: 11-13-08

Time: 2:15 PM



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

INTERNAL AFFAIRS
DEC 05 2008
RECEIVED

To: Sheriff Ben F. Johnson
Via Chain Of Command

Date: November 27, 2008

From: Sergeant David W. MacDonald
District Three Patrol Sergeant

File: 053M031.08

Subject: Deputy Mark Sias #7197

On November 27, 2008, Sergeant MacDonald was contacted via police radio by Officer Joshua Mersereau (D.B.P.D.) in reference to V.C.S.O. case number 08-39509. Officer Mersereau inquired why the stolen vehicle was not removed by the Sheriff's Office when the vehicle was recovered. Sergeant MacDonald advised Officer Mersereau that could not provide an answer without speaking with Deputy Mark Sias first.

Sergeant MacDonald contacted Deputy M. Sias and asked if he had contacted records to have the vehicle removed from FCIC/NCIC. Deputy Sias advised he called records on November 27, 2008 in the early morning hours and for some reason the vehicle was still listed as stolen when he returned for duty at 1800 hours on November 27, 2008.

Deputy Sias advised Sergeant MacDonald that he had just called records and the vehicle was being removed as we spoke. Sergeant MacDonald asked Deputy Sias who he had talked to at Central records and what their ID number was. Deputy Sias replied, "I can't remember." Sergeant MacDonald reminded Deputy Sias that he was responsible for documenting who he spoke with, that was going to remove the vehicle from FCIC/NCIC. Sergeant MacDonald further explained that without a name or ID number Sergeant MacDonald could not accurately determine who failed to complete their job at records. Sergeant MacDonald asked Deputy Sias three more times who he spoke with. Deputy Sias responded each time, "I can't remember or I don't know."

After a period of silence, Deputy Sias advised Sergeant MacDonald, "I didn't call them I forgot." Sergeant MacDonald immediately realized that Deputy Sias had just lied several times while being directly questioned about his actions. Sergeant MacDonald asked Deputy Sias why he lied, to which he responded, "I forgot and I thought I was going to get in trouble."

Based on the fact that Deputy Sias was **knowingly untruthful** to his immediate supervisor when directly questioned, Sergeant MacDonald immediately suspended Deputy Sias for the remainder of his shift. Deputy Sias was advised that he would be contacted on Monday, December 01, 2008.

Sergeant MacDonald notified Lieutenant Newman, Lieutenant Pagliari and Captain White of the circumstances and actions taken by Sergeant MacDonald.

CC: Chief Deputy W. Lee
Major T. Sanders
Captain Dana White
Lieutenant Al Pagliari

WLP
MC 12/01/08
CAPT. DW
LT AL

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

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

December 13, 2007

Deputy Mark Sias, ID-7197
Volusia County Sheriff's Office
Law Enforcement Services Division
District 4 Deltona

Intent to Suspend

Deputy Sias:

Be advised that as a result of your actions documented in SD#07-204 it has been determined you did violate the following Volusia County Sheriff's Office Standards Directives:

26.2.96 Careless Handling of Equipment and Vehicles - Resulting in Damage/Loss - Employees shall utilize Department or County equipment for its intended purpose in accordance with established procedures, and shall not subject such equipment to loss or damage through careless handling. (Violation subject up to a 5-day suspension and/or loss or suspension of the equipment use privileges.)

Progressive Discipline 26.1.1 - When circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

To Wit: On Thursday October 18, 2007 at approximately 1829 hours, you were operating your county assigned vehicle, p/n 164667, southbound on LPGA Blvd., in Daytona Beach, Florida. At the intersection with West International Speedway Blvd., you stopped your vehicle behind another vehicle in the right turn lane. The other vehicle attempted to turn right onto West International Speedway Blvd., but stopped for other traffic. As you looked to your left for oncoming traffic, your foot slipped off the brake pedal and your vehicle rolled forward. The front of your vehicle struck the rear of the other vehicle. Although you and the other driver were not injured in the crash, your vehicle sustained \$379.98 in damages and the other vehicle had approximately \$100.00 worth of damage. A contributing cause, by you, as listed on the Florida Highway Patrol Crash Report was "Careless Driving".

This crash was your second At-Fault traffic accident in less than six months. The first crash occurred on May 15, 2007 and resulted in a Written Reprimand, (SD-07-030).

Based on your past driving record, it is my intent to suspend you from duty without pay for eight (8) work hours.

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.

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

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 you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within three (3) days of receipt of this notification with any information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than Wednesday, December 19, 2007 at 1600 hours. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,



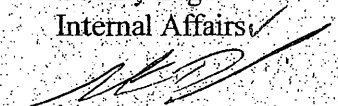
Ben F. Johnson
Sheriff

BFJ/rhg040L0579:07

cc: County Personnel

County Legal

Internal Affairs ✓



This letter read and received by:

Deputy Mark Sias ID 7197

Date: 12-14-07

Time: 0920 Hours

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

December 14, 2007

Deputy Mark Sias, ID-7197
Volusia County Sheriff's Office
Law Enforcement Services Division
District 4 Deltona

Suspension Letter

Deputy Sias:

Be advised that as a result of your actions documented in SD#07-204 it has been determined you did violate the following Volusia County Sheriff's Office Standards Directives:

26.2.96 Careless Handling of Equipment and Vehicles - Resulting in Damage/Loss - Employees shall utilize Department or County equipment for its intended purpose in accordance with established procedures, and shall not subject such equipment to loss or damage through careless handling. (Violation subject up to a 5-day suspension and/or loss or suspension of the equipment use privileges.)

Progressive Discipline 26.1.1 - When circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

To Wit: On Thursday October 18, 2007 at approximately 1829 hours, you were operating your county assigned vehicle, p/n 164667, southbound on LPGA Blvd., in Daytona Beach, Florida. At the intersection with West International Speedway Blvd., you stopped your vehicle behind another vehicle in the right turn lane. The other vehicle attempted to turn right onto West International Speedway Blvd., but stopped for other traffic. As you looked to your left for oncoming traffic, your foot slipped off the brake pedal and your vehicle rolled forward. The front of your vehicle struck the rear of the other vehicle. Although you and the other driver were not injured in the crash, your vehicle sustained \$379.98 in damages and the other vehicle had approximately \$100.00 worth of damage. A contributing cause, by you, as listed on the Florida Highway Patrol Crash Report was "Careless Driving". This crash was your second At-Fault traffic accident in less than six months. The first crash occurred on May 15, 2007 and resulted in a Written Reprimand.

A handwritten signature in dark ink, appearing to be "B. Johnson", is located in the bottom right corner of the page.

On Friday, December 14, 2007 you were served an "Intent to Suspend" Letter advising you of my intent to suspend you from duty **without pay** for eight (8) work hours. You were given the opportunity to make an appointment and appear before me in order to respond to this intended action. You stated you did not wish to appear before me or contest my intent to suspend you. Additionally you requested to take the suspension on December 15, 2007. Based on your past record and after earnest consideration, my decision to suspend you remains unchanged. You are hereby suspended from duty without pay for a period of eight (8) work hours. The date of your suspension will be Saturday, December 15, 2007 from 0600 – 1400 hours.

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.

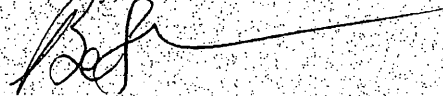
During the period of suspension you are instructed not to drive a department vehicle, nor act in any capacity as a deputy sheriff. Upon your return to active duty, your full authority as a deputy sheriff will be restored.

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

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 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,



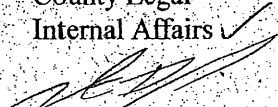
Ben F. Johnson
Sheriff

BFI/rhg040L0586.07

cc: County Personnel

County Legal

Internal Affairs ✓



This letter read and received by:

Deputy Mark Sias ID 7197

Date: 12-14-07

Time: 13:33 Hours



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS

JUL 11 2007

RECEIVED

LETTER OF REPRIMAND

SD-07-094

Name: Sias, Mark ID# 7197 Case# 07-16390
Division: LES / D4 Date: 06-25-2007
District: District 4

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

26.2.98 Careless Handling of Equipment and Vehicles - Resulting in Damage/Loss - Employees shall utilize Department or County equipment for its intended purpose in accordance with established procedures, and shall not subject such equipment to loss or damage through careless handling. (Violation subject up to a 5 day suspension and/or loss or suspension of the equipment use privileges.)

2. Specific behavior and dates of the behavior that support the charge.

On 05-15-2007 you were driving on April Avenue at an excessive speed. When you approached the intersection of Fort Smith Blvd., you lost control of your Patrol Car. This resulted in your leaving the roadway, sliding over some concrete pieces beyond the sidewalk, going sideways across Ft. Smith Blvd. and knocking down a City street sign.

Your carlessness resulted in \$ 3,880.56 in damage to the Patrol Car and an additional \$ 125.00 in damage to the street sign.

The Volusia County Sheriff's Office Accident Review Committee found you at fault in the accident.

Further actions of like occurrences will result in progressive discipline.

LETTER OF REPRIMAND
PAGE 2

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: [Signature] Date/Time: 07-05-07 0420

Supervisor: Sgt. [Signature] Date/Time: 06-25-07

Reviewed by:
Lt. [Signature] Date 7/2/07 Capt. [Signature] Date 07/04/07
Major [Signature] Date 070907 Sheriff [Signature] Date 7/10/07

Distribution:

White-Employee

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA

EMPLOYEE PERFORMANCE NOTICE

07-861-167
INCIDENT NUMBER

NAME	ID	DEP. DIVISION	DATE OF OCCURRENCE	TIME	CASE NUMBER
DEPUTY SIAS, M.	7197	LES / Dist Four	06-27-07	1200	CC-07-029

AREA OF UNSATISFACTORY ☒ EXCEPTIONAL _____ PERFORMANCE _____

- | | | |
|--|--|--|
| 1. JOB ABILITY
☒ Knowledge of Rules
☐ Use of Equipment
☐ Technical Skills
☐ Oral/Written Communications
☐ Analytical Ability | 2. VOLUME OF WORK PRODUCED
☐ Amount of Work Produced
☐ Speed
☐ Meeting Schedules
☐ Able to Work Under Pressure
☐ Attendance | 3. QUALITY OF WORK PRODUCED
☐ Accuracy
☐ Neatness
☐ Thoroughness
☐ Organization
☐ Reports & Correspondence |
| 4. DEPENDABILITY
☐ Completing Assignments
☐ Following Instructions
☒ Using Initiative
☒ Using Judgment | 5. INTER-PERSONAL RELATIONS
☐ Attitude Toward Co-Workers
☐ Attitude Toward Supervisor
☒ Attitude Toward Public
☐ Shown by Appearance/Words | 6. WORK ATTITUDE
☐ Following Rules
☐ Observing Work Hours
☐ Being Safety Minded
☐ Being Cost Conscious
☐ Caring for Equipment |

7. SUPERVISORY ABILITY

- ☐ Planning & Scheduling
- ☐ Developing Employee Skills
- ☐ Encouraging Teamwork
- ☐ Evaluating Performance
- ☐ Discipline
- ☐ Getting the Job Done

INTERNAL AFFAIRS

OCT 11 2007

RECEIVED

Instructions

- Use this form to document all performance below or above accepted standards
- One or more areas of knowledge/performance may be covered on each form
- Use remarks sections to explain items checked
- Each Documentation/Reports, if applicable.

Remarks: 26.2.5 Neglect of Duty - includes any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failure to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

14.03 Reasons for Disciplinary Actions - (M.) - Any conduct, on or off duty that reflects unfavorably on the County as an employee.

On June 27, 2007 at approximately 1200 hours you were one of six deputies present at LaSpada's Restaurant during the noon lunch hour. Shortly after being seated you became aware of a traffic accident involving two vehicles that occurred on the state roadway in front of the business.

Due to the lack of a physical response from any deputy seated in your party, a civilian patron interrupted his meal and rushed to the aid of the accident victims. Because of this inaction, numerous patrons nearby perceived your attitude to be that of indifference and non-caring towards the accident victims.

This incident serves as a reminder of your professional and ethical obligations to protect life and property, and your commitment to serve the citizens of the community at all times.

☒

Counseling

☐ Verbal Reprimand

☐ Letter of Commendation

Employee's signature indicates only receipt of a copy of this notice, not an acknowledgement of guilt (if unsatisfactory notice)

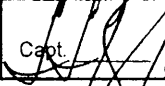
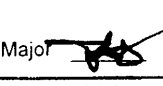
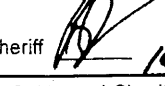
Signature of Employee

Date

10-25-07

Signature of Supervisor Preparing Notice

Reviewing Supervisor's initials

 Date 10/5/07	 Date 10/8/07	 Date 10/10/07	 Date 10/11/07
---	---	--	--

White-Employee
PS-0148-0395

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA
103097.004



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS

SEP 07 2007

RECEIVED

LETTER OF REPRIMAND

Name: Sias, Mark D. ID# 7197 Case# 07-24293 SD-07-154
Division: LES/D4 Date: 07-25-2007
District: District 4

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

26.2.131 Department personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their position

26.2.133 Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions. (Violation subject up to dismissal.)

26.2.41 Negligence Associated with Safety of Persons or Property - Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. (Violation subject up to a demotion.)

71.1.71 Prisoners transported alone shall be secured with handcuffs in back for any transport within Volusia County.

71.1.1 All prisoners shall be searched prior to being transported. Prisoners shall be searched each time they come into the transporting Deputy's custody.

2. Specific behavior and dates of the behavior that support the charge.

On 07-16-2007 you were assigned Prisoner Transport for Alpha Shift / District 4. You received prisoner [REDACTED] from Deputy S. Duggan at the District 4 Office. [REDACTED] requested to go to the restroom therefore you removed the handcuffs from behind his back and handcuffed him in the front. After [REDACTED] concluded his business, you returned him to the back seat of your Patrol Car. When you returned Mr. [REDACTED] to the vehicle you failed to reposition the handcuffs as well as thoroughly searching the subject for weapons. As a result of your negligence and failure to follow simple common sense Mr. [REDACTED] broke both door handles off the back doors and cut the seat causing extensive damage to county property with the buck knife he had concealed in his shoe. According to your report you searched the back seat of your vehicle after you had removed Mr. [REDACTED] however you didn't observe the damage for several days. This is unacceptable where as the damage was more then noticeable and should have been found/reported while at the facility. While at the facility Mr. [REDACTED] was searched and the knife you failed to discover was secured and a charging affidavit completed. This is an unacceptable violation of Standards and Directives as well as poor Officer Safety. Please govern yourself accordingly as like violations will result in further discipline.

LETTER OF REPRIMAND
PAGE 2

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: [Signature] Date/Time: 8-30-07
Supervisor: [Signature] Date/Time: 08.24.07 1830 hrs
Reviewed By: [Signature] Lt. [Signature] Date 08/31/07 Capt. [Signature] Date 08/13/07
Major [Signature] Date 08/20/07 Sheriff [Signature] Date 8/15/07

Distribution:

White-Employee

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA

EMPLOYEE PERFORMANCE NOTICE

INCIDENT NUMBER

NAME	ID	DEP. DIVISION	DATE OF OCCURRENCE	TIME	CASE NUMBER
Sias, Mark D.	7197	LES	07-18-2007	1800	07-23541

AREA OF UNSATISFACTORY X EXCEPTIONAL _____ PERFORMANCE _____

1. JOB ABILITY

- ☒ Knowledge of Rules
- ☐ Use of Equipment
- ☐ Technical Skills
- ☐ Oral/Written Communications
- ☐ Analytical Ability

2. VOLUME OF WORK PRODUCED

- ☐ Amount of Work Produced
- ☐ Speed
- ☐ Meeting Schedules
- ☐ Able to Work Under Pressure
- ☐ Attendance

3. QUALITY OF WORK PRODUCED

- ☐ Accuracy
- ☐ Neatness
- ☐ Thoroughness
- ☐ Organization
- ☐ Reports & Correspondence

4. DEPENDABILITY

- ☐ Completing Assignments
- ☒ Following Instructions
- ☐ Using Initiative
- ☐ Using Judgment

5. INTER-PERSONAL RELATIONS

- ☐ Attitude Toward Co-Workers
- ☐ Attitude Toward Supervisor
- ☐ Attitude Toward Public
- ☐ Shown by Appearance/Words

6. WORK ATTITUDE

- ☐ Following Rules
- ☐ Observing Work Hours
- ☐ Being Safety Minded
- ☐ Being Cost Conscious
- ☐ Caring for Equipment

7. SUPERVISORY ABILITY

- ☐ Planning & Scheduling
- ☐ Developing Employee Skills
- ☐ Encouraging Teamwork
- ☐ Evaluating Performance
- ☐ Discipline
- ☐ Getting the Job Done

Instructions

- Use this form to document all performance below or above accepted standards
- One or more areas of knowledge/performance may be covered on each form
- Use remarks sections to explain items checked
- Attach Documentation/Reports, if applicable.

Remarks: 26.2.131 Department personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their position as described by the County Merit System Job Classification Plan and Chapters 21, 22 and 35 of this Manual.

You failed to follow instructions on the proper completion of a Long Form Crash Report by not filling in the Violater(s) box.

Therefore govern yourself accordingly with the understanding like instances in the future will result in progressive discipline.



Counseling

Verbal Reprimand

Letter of Commendation

Employee's signature indicates only receipt of a copy of this notice, not an acknowledgement of guilt (if unsatisfactory notice)

Signature of Employee

Date

8-01-07

Signature of Supervisor Preparing Notice

Reviewing Supervisor's initials

Lt.	Date	Capt.	Date	Major	Date	Sheriff	Date
<i>CW</i>	07-24-07	<i>LLR</i>	07-24-07	<i>MC</i>	08-01-07	<i>R</i>	8/9/07

White-Employee
PS-0148-0395

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA
03097.004

INTERNAL AFFAIRS

FEB 22 2007

EMPLOYEE PERFORMANCE NOTICE

50-07-034
INCIDENT NUMBER

RECEIVED

NAME	ID	DEP. DIVISION	DATE OF OCCURRENCE	TIME	CASE NUMBER
Sias, Mark	7197	LES / D4	01-23-2007	1330	06-43680

AREA OF UNSATISFACTORY ☒ EXCEPTIONAL _____ PERFORMANCE _____

1. JOB ABILITY

- ☒ Knowledge of Rules
- ☐ Use of Equipment
- ☐ Technical Skills
- ☐ Oral/Written Communications
- ☐ Analytical Ability

2. VOLUME OF WORK PRODUCED

- ☐ Amount of Work Produced
- ☐ Speed
- ☒ Meeting Schedules
- ☐ Able to Work Under Pressure
- ☐ Attendance

3. QUALITY OF WORK PRODUCED

- ☐ Accuracy
- ☐ Neatness
- ☐ Thoroughness
- ☐ Organization
- ☐ Reports & Correspondence

4. DEPENDABILITY

- ☒ Completing Assignments
- ☐ Following Instructions
- ☐ Using Initiative
- ☐ Using Judgment

5. INTER-PERSONAL RELATIONS

- ☐ Attitude Toward Co-Workers
- ☐ Attitude Toward Supervisor
- ☐ Attitude Toward Public
- ☐ Shown by Appearance/Words

6. WORK ATTITUDE

- ☒ Following Rules
- ☐ Observing Work Hours
- ☐ Being Safety Minded
- ☐ Being Cost Conscious
- ☐ Caring for Equipment

7. SUPERVISORY ABILITY

- ☐ Planning & Scheduling
- ☐ Developing Employee Skills
- ☐ Encouraging Teamwork
- ☐ Evaluating Performance
- ☐ Discipline
- ☐ Getting the Job Done

Instructions

- Use this form to document all performance below or above accepted standards
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- Use remarks sections to explain items checked
- Attach Documentation/Reports, if applicable.

Remarks: 26.2.5 Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

26.2.131 Department personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their position as described by the County Merit System Job Classification Plan and Chapters 21, 22 and 35 of this Manual.

42.1.69 Original reports will be due at the end of the workday on which the preliminary investigation is conducted.

On 12-30-2006 while you were assigned as a "Rapid Response" Traffic Unit you handled two (2) traffic crashes. Case # 06-43680 and Case # 06-43681. You not only failed to turn those crash reports in but you misplaced them. You turned the mentioned reports in on 01-22-2007. Standards and Directives are clear about reports being turned in by the end of the shift, regardless of the caseload.

Therefore govern yourself accordingly with the understanding like instances in the future will result in progressive discipline.

☒ Counseling ☐ Verbal Reprimand ☐ Letter of Commendation

Employee's signature indicates only receipt of a copy of this notice, not an acknowledgement of guilt (if unsatisfactory notice)

Signature of Employee	Date	Signature of Supervisor Preparing Notice
<i>[Signature]</i>	02-14-07	<i>[Signature]</i> 2199

Reviewing Supervisor's initials

LT	Date	Capt	Date	Major	Date	Sheriff	Date
<i>[Signature]</i>	1-25-07	<i>[Signature]</i>	02/12/07	<i>[Signature]</i>	04/20/07	<i>[Signature]</i>	2/21/07
White-Employee PS-0148-0395		Pink-District or Section/Unit		Yellow-Division		Goldenrod-Sheriff/IA 103097.004	

DEAR SHERIFF JOHNSON,

I, MARK SIAS, HEARBY BY RESIGN MY POSITION AS A DEPUTY SHERIFF. I APPRECIATE THE OPPRUTUNITY THAT WAS GIVEN TO ME TO WORK FOR YOU AND APOLOGIZE FOR MY SHORTCOMINGS. MY RESIGNATION IS EFFECTIVE IMMEDIATLEY THIS DAY DECEMBER 1, 2008.

SINCERELY,

A handwritten signature in black ink, appearing to read 'M.D. Sias', with a stylized flourish at the end.

MARK D. SIAS I.D. 7197