



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety

Karrie D. Howard, Director
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August 5, 2020

Patrol Officer John Hotz #337

EMPLOYEE ADDRESS

Patrol Officer Hotz #337:

This letter is to advise you (Patrol Officer John Hotz #337) of the result of the administrative pre-disciplinary hearing that you attended on June 30, 2020, in the office of the Director of Public Safety. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

STATEMENT OF POLICY

In part:

The Manual of Rules and Regulations sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules and regulations shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of divisional charges, which can result in suspension, loss of pay, demotion, or termination. The rules, regulations, and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and Regulation and a General Police Order, the Rule or Regulation provision shall be adhered to.

**City of Cleveland Human Resource Policies and Procedures
Workplace Policies (C-3) I, II, III, and IV**

General Police Order 1.3.24: Sick Leave (Revised 3/14/13)

**Manual of Rules for the Conduct and Discipline of Employees of the
Cleveland Division of Police: 2.02, 2.03, 2.06, 2.08, 2.14, and 9.10.**

Specification 1: On or about December 20, 2019, you (Patrol Officer John Hotz #337) reported to the medical unit and based upon the results of your Fitness for Duty examination, you (Patrol Officer John Hotz #337) were returned to full duty and ordered to return to work. On December 23, 2019, you (P.O. Hotz #337) were AWOL and insubordinate when you failed to report to work and or provide documentation explaining your absence in violation of Manual of Rules and Regulation 2.06 and the City of Cleveland Attendance Policy (C-3). **(Group III Violation)**

Specification 2: On or about January 15, 2020, you (Patrol Officer John Hotz #337) reported to the medical unit and were ordered to return to work or provide documentation explaining your absence by January 18, 2020. On January 21, 2020, you (Patrol Officer Hotz #337) were AWOL and insubordinate when you reported to the medical unit without providing documentation, as ordered, to explain your continued absence from work in violation of Manual of Rules and Regulation 2.06 and General Police Order 1.3.24. **(Group III Violation)**

Specification 3: On or about March 13, 2020, you (Patrol Officer John Hotz #337) were notified that you were required to contact the Director of Public Safety and provide satisfactory documentation that justifies your continued absence. You were also notified that failure to appear as required would be construed as an absence without leave (AWOL) resignation. As of June 24, 2020, you have not contacted nor provided documentation to the Director of Public Safety, and, thus, you have been and continue to be AWOL. This is in violation of Civil Service Rule 8.45. **(Group III Violation)**

The specification(s) identify violations of the rules, regulations, and procedures of the Division of Police, Department of Public Safety.

In attendance at the pre-disciplinary conference that you attended were you, President Jeff Follmer and Attorney Keith Wolgamuth of the Cleveland Police Patrolman's Association, Sergeant Lisa Steel of the Medical Unit, Assistant Director of Law Mike Pike, Sergeant Reginald Lanton of the Case Preparation Office and Assistant Director Timothy Hennessy who presided over the conference.

During the administrative hearing, you acknowledged receipt of the charging letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of **"Not Guilty"** to the administrative charges as set forth in the charging letter.

Upon carefully reviewing the evidence presented by the Division, the memorialized record as well as the arguments of you and your representatives, the Hearing Officer recommended that you be found **"Guilty"** of the administrative charges.

I have accepted the recommendations of the Hearing Officer I find there is just cause to deem you AWOL-resigned under Civil Service Rule 8.45. Additionally, I note that if the City did not have a specific work rule under which you have been found AWOL-resigned, I would find that there is just cause for your termination of employment. As such, I deem you AWOL-resigned for failure to provide sufficient medical documentation of the basis for your continued absence from work from December 23, 2019, to the present.

Patrol Officer John Hotz #337
August 5, 2020
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The documentation you provided to Medical Unit on or about March 13, 2020 (and not to the Department of Public Safety as instructed in writing by former Public Safety Director McGrath on or about March 2, 2020, and which you presented at your pre-disciplinary hearing, is insufficient to justify your continued absence and AWOL status after being deemed fit-for-duty and ordered to return to work in December 2019.

Based upon your Fitness for Duty examination, you were ordered, on two occasions, to return to full duty or provide documentation explaining your absence, and you failed to do so.

Therefore, you are hereby deemed AWOL-resigned under Civil Service Rule 8.45, from employment with the City of Cleveland, Department of Public Safety, Division of Police, effective: Thursday, August 6, 2020.

Sincerely,



Karrie D. Howard, Director
Department of Public Safety

KDH:bpc/rll/kfs

cc:

Karrie D. Howard, Director, Department of Public Safety
Calvin Williams, Chief, Division of Police
Joellen O'Neill, Deputy Chief, Executive Officer
Dornat Drummond, Deputy Chief, Field Operations
Deon McCaulley, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Deirdre Jones, Commander, Bureau of Support Services
Carla Ellis, Lieutenant, Officer-in-Charge, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Charles Neidbalsen, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Lisa Steel, Sergeant, Officer-in-Charge, Medical Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Jeffrey Follmer, President, Cleveland Police Patrolman's Association
William Menzalora, Chief, Assistant Director of Law
Christopher Viland, Police Inspector General
Ronald Bakeman, Superintendent, Internal Affairs Unit
Nycole West, Director, Department of Human Resources
Kandie Ezell, Administrative Manager, Department of Public Safety
Michael Spreng, Secretary, Civil Service Commission
Hassan Aden, Federal Monitoring Team

Redaction Log

Total Number of Redactions in Document: 1

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	EMPLOYEE ADDRESS	The employee's house number and street name have been redacted under State ex rel. Dispatch Printing Co. v. Johnson, 106 Ohio St.3d 160, 2005-Ohio-4384.	1

Redaction Log

Redaction Reasons by Exemption

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