



City of Memphis
Parks and Neighborhoods Division:
Hearing Summary & Decision

July 11, 2015

To: James Edgeston
From: De Keishia Tunstall

Re: Summary of Hearing & Decision

Delivered this date by: July 11, 2015

Employee: James Edgeston
Location: Memphis Animal Services
Hearing Date: Tuesday, June 16, 2015

Job Classification: Asst. Building Mnt
Employment Date: July 6, 1998

PRESENT FOR EMPLOYEE

James Edgeston

PRESENT FOR THE CITY

De Keishia Tunstall

Whit Williams

LIST OF POLICIES, RULES, REGULATION EMPLOYEE IS ALLEGED OF VIOLATING

1. Shelby County Division of Corrections

Workline Rules

Inmates must remain with the workline they checked out with and remain in the custody of the responsible work line monitor at all times.

STATEMENT OF PARTICULARS OF HOW EMPLOYEE ALLEGEDLY VIOLATED THE ABOVE.

On Saturday, June 6, 2015, Mr. Edgeston acting in the capacity of Interim Shelter Supervisor assigned Detainee Joshua Hawkins to clean in Euthanasia Room #1 unsupervised. While unsupervised, Detainee Hawkins sprayed Animal ID #A278234 with a toxic chemical, subsequently causing the animal's death.

When questioned about the incident, Interim Shelter Supervisor Edgeston admitted that he assigned Detainee Hawkins to the ER area to clean independently.

STATEMENTS ON BEHALF OF THE EMPLOYEE

During the hearing, Mr. Edgeston stated that he was not certain that "watching" a detainee was the responsibility of the Shelter Supervisor. Mr. Edgeston stated that he had limited staff on this particular day. Mr. Edgeston stated that Mr. Hawkins had the ability to work independently. Mr. Edgeston states that he left Mr. Hawkins in a room with one exit. Mr. Edgeston stated that Mr. Hawkins was instructed to only clean the empty cages. Mr. Edgeston states that Mr. Hawkins was in sight at all times. Mr. Edgeston stated that the Shelter Supervisor did not have time to stay and watch the detainee. Mr. Edgeston stated that he used his best judgement. He stated that he was handling multiple tasks ie. answering lobby calls, emails etc. Mr. Edgeston said that he did not have any PT employees on stated. Mr. Edgeston also indicated that another inmate was working in the food prep area unsupervised. Mr. Edgeston stated that he "could not be in two places at one time." Mr. Edgeston said that Mr. Hawkins was a trusted detainee. Mr. Edgeston noted that Detainee Hawkins was never hostile, and always pleasant and mannerable. Mr. Edgeston stated in hindsight, he would have skipped cleaning the room where the violation occurred until more staffing was available.

STATEMENTS ON BEHALF OF THE CITY

Per the Shelby County Workline Rules, detainees are not to be allowed to work independently. Inmates are to be supervised at all times. As a result of Detainee Hawkins being allowed to work alone, Animal ID # A278234 was exposed to a toxic chemical and subsequently died.

DECISION & REASONING

After considering all the testimony from the hearing, and reviewing the evidence surrounding this incident(s), it is determined that you are in violation of City of Memphis Policies and Procedures referenced below.

You have been found in violation of:

1. **Shelby County Division of Corrections – Workline Rules**

In determining what degree of discipline is appropriate, I have reviewed your work record(s) and taking into consideration your record, length of employment, information submitted during the Hearing, and comparable information concerning matters of a like or similar nature.

After considering all relevant information, you have been found to be in violation of applicable City Policies, and/or Work Rules stated above. Based on the violation(s) it is my decision to issue a **written reprimand** in this matter.

Additionally, any employee holding a position not exempted from the provisions of Article 34, Civil Service, and not in the initial probationary period, who has been suspended in excel of ten (10) days, terminated, or demoted may appeal to the Civil Service Commission within ten (10) calendar

days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five (5) days within a six (6) month period, and any subsequent suspensions within said period shall be appealable to the Commission.

Mail your correspondence to the attention of: CIVIL SERVICE COMMISSION, PERSONNEL DIVISION, ADMINISTRATION OFFICE, ROOM 406, CITY HALL, 125 N. MID AMERICA MALL MEMPHIS, TN 38103, Attn: Secretary, Civil Commission

Respectfully,

De Keishia Tunstall
Operations Manager, Memphis Animal Services
Parks and Neighborhoods

cc: James Rogers, Administrator MAS
Janet Hooks, Director - PSN
LaSonya Hall, Deputy Director - PSN

Received By: _____

Date: _____