

ISCC MEMORANDUM

DATE: August 18, 2023
TO: Eric McDonough, Correctional Corporal
FROM: Randy Valley, Warden
SUBJECT: Letter of Disciplinary Action

PURPOSE OF THIS NOTICE

The purpose of this memorandum is to notify you that the Idaho Department of Correction, District One Probation & Parole (or "the Department"), is taking disciplinary action against you in accordance with Idaho Code § 67-5300, *et. seq.* and the Rules of the Idaho Division of Human Resources ("DHR Rules").

I. DISCIPLINARY ACTION

The Department is implementing the disciplinary action of temporary reduction in pay from your current hourly rate of \$30.17, to a reduced level of \$28.53 for a total of one (1) pay period. This reduction in pay is equivalent to a one (1) day suspension without pay or eight (8) hours. If you work a holiday during this time frame you will receive credit towards this eight (8) hour disciplinary suspension at the holiday rate of time and a half based on the \$28.53 rate.

II. BASIS FOR THE DISCIPLINARY ACTION

A more complete explanation of the factual basis and evidence relied upon is contained in the Notice of Contemplated Action ("NOCA") you received on July 27, 2023. The NOCA addressed how you failed to meet standards and adhere to Department policy when you chose to not follow the Utility Post procedures as defined in the unit post orders.

A. Violation of IDOC Policy 217

1. Applicable Policy or Rule

IDOC Policy 217, Ethics and Standards of Conduct, Standard Operating Procedure (SOP) 217.07.01.001, Purpose, at page 1 of 6, provides in part that:

The department intends that the conduct of IDOC employees reflect the highest standards of public service. This standard operating procedure (SOP) provides employees with guidance to use whenever an employee is faced with a decision regarding duties, actions, conduct, or interaction with others both on and off the job. The department does not intend to regulate off-duty behavior of employees except when it endangers the safe and orderly operation of the department or brings discredit to the department.

...

IDOC Policy 217, Ethics and Standards of Conduct, SOP 217.07.01.001, Standard Procedures, Code of Ethics, at page 2 of 6, provides in part that:

Employees of IDOC are expected to adhere to and positively exemplify the values as established by the department. The values include having respect for one another, bringing a positive attitude to work each day, and having integrity to do the right thing.

Each employee must conduct himself in a manner that will not discredit the department or the state of Idaho. Each employee must demonstrate the highest standards of integrity, honesty, objectivity, impartiality, and professionalism to promote public confidence, understanding, and trust in the department and its employees. An employee must not engage in any activity that might compromise the mission, vision, or values of the department; safety of its employees, offenders, and the public; or his ability to carry out assigned duties and responsibilities in an efficient, unbiased, and professional manner.

...

Employees must protect privileged and confidential information, including that pertaining to offenders and employees, to which they have access in the course of official duties.

Employees must maintain mutual respect and professional cooperation in relationships with other staff members, supervisors, offenders, and outside agencies.

Employees must strive for professional excellence and obey lawful orders from a supervisor or any superior in charge, and properly and safely carry out the duties of the position, including making every reasonable effort to ensure community safety.

IDOC Policy 217, Ethics and Standards of Conduct, SOP 217.07.01.001, Standard Procedures, Requirements for Personal Conduct, at page 2 of 6, provides in part that:

Employees must adhere to applicable laws, rules, regulations, policies, standard operating procedures, division directives, field memorandums, post orders, etc. in the performance of assigned duties.

...

IDOC Policy 217, Ethics and Standards of Conduct, SOP 217.07.01.001, Standard Procedures, Consequences for Violations, at page 6 of 6, provides in part that:

Violation of this policy may result in corrective or disciplinary action up to and including dismissal. The severity and extent of the discipline will be determined by the totality of the facts.

...

2. Factual Basis of Disciplinary Action

The factual basis of the disciplinary action was set forth in the NOCA you received on July 27, 2023, outlining how you failed to meet standards and adhere to Department Policy when you failed to follow the Utility Post procedures as defined in the unit post orders.

On May 25, 2023, you had a conversation with your Sergeant regarding Utility Ports being opened one at a time. The Sergeant gave you a directive and referenced that it was in the A Block Post Orders.

On May 26, 2023, The Officer you work with began opening multiple Utility Ports at a time during feeding. Your Sergeant immediately addressed this and directed him that only one Utility Port was to be opened at a time, referencing that this was in the A Block Post Orders.

On May 27, 2023, you were feeding breakfast on the upper deck of A Block, and you chose to open all the Utility Ports on the uppers to feed and did not close any of the Utility Ports until you were finished collecting the breakfast trays. Due to you not closing the Utility Ports and not monitoring the Officer you supervise; a Resident became agitated and began throwing items out of his Utility Port.

In your response to the NOCA, you stated that you understand that your actions were not becoming of your rank and position and that due to you

not following the directives outlined in the Post Orders there was a security incident.

3. Conclusion

Based on the foregoing, it appears that you have violated Policy 217 as referenced in paragraph A.1., by failing to follow both written and verbal orders by your supervisors, and contained with Post Orders, therefore, putting yourself and others at risk. It appears that you have failed to demonstrate the integrity, honesty, and professionalism required of Department employees; have risked discredit or embarrassment to the Department or the State of Idaho; and have failed to adhere to applicable laws, rules, regulations, policies, standard operating procedures, division directives, field memorandums, and/or post orders in the performance of your duties.

B. Violation of ISCC A-Block Post Order 504-10-037

1. Applicable Policy or Rule

ISCC A-Block Post Order 504-10-037, Utility Port Guidelines, Purpose, at page 1 of 14, provides in part that:

The purpose of this Post Order is to provide specific guidelines that are unique for this post and/or area of assignment.

...

Post orders are general or specific instructions for the operations of every security post; however, they cannot cover every incident or eventuality that might occur. Correctional staff assigned to a post must use good judgement, discretion, pay careful attention to detail, and discharge duties in line with Departmental and Institutional policies and procedures.

ISCC A-Block Post Order 504-10-037, Utility Port Guidelines, Standard Procedures, Utility Port Guidelines, at page 7 of 14, provides in part that:

Secure utility ports when not in use. Utility ports will not be left open and unattended at any time. One (1) officer per utility port that is unsecured.

Whenever a utility port is opened, two (2) security staff must be in the unit. Staff should execute safe security practices when opening a utility port.

Assess inmates by their appearance, behavior, and demeanor, prior to opening a utility port.

2. Factual Basis of Disciplinary Action

The factual basis for the contemplated action is described above, in section II.A.2 and II.A.3.

3. Conclusion

You have violated ISCC A-Block Post Order 504-10-037 Utility Port Guidelines, as referenced above in section B.1, by failing to follow both written and verbal orders by your supervisors therefore, putting yourself and others at risk.

C. Cause for Discipline under Idaho Administrative Procedures Act (IDAPA) 15.04.01, Division of Human Resources (DHR) Rule 190

1. Applicable Rule or Policy

IDAPA 15.04.01.190, DHR Rule 190.01 states in part:

Dismissal, suspension, demotion, or the reduction in pay, of a classified employee, may occur for any of the following causes during the employee's employment:

(a) Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, or rules of the agency or the Division of Human Resources and Idaho Personnel Commission.

(b) Inefficiency, incompetency, or negligence in performing duties, or job performance that fails to meet established performance standards.

...

(e) Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the agency.

...

2. Factual Basis of Disciplinary Action

The factual basis for the disciplinary action is described above, in section II.A.2 and II.A.3.

3. Conclusion

The Department has determined there is cause for discipline under IDAPA 15.04.01, DHR Rule 190.01, (a), (b), and (e), as referenced in paragraph C.1. above, for failing to perform the duties of your position pursuant to Department Policy 217 and ISCC Post Order 504-10-037 and failing to meet established performance standards. Your conduct is detrimental to the good order and discipline of the Department, is conduct unbecoming a state employee, and discredits the Department.

III. EVIDENCE RELIED ON

In reaching its decision, the Department relied on the evidence identified in the July 27, 2023, NOCA.

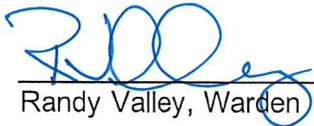
Copies of the above-mentioned Rules and Procedures can be furnished to you upon request.

IV. CONCLUSION

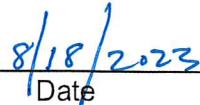
Based on the evidence and information described above, the Department concludes that your conduct violated and is cause for discipline under IDAPA 15.04.01, DHR Rule 190, as well as IDOC Policies 217 and ISCC Post Order 504-01-037. The Department has concluded that the disciplinary action of 1 day suspension without pay is warranted.

V. APPEAL RIGHTS

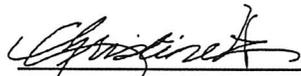
Should you disagree with the final disciplinary action determined by the Department, you have the right to file an appeal with the Idaho Personnel Commission pursuant to Idaho Code § 67-5316(2) and IDAPA 15.04.01.201.03. If you choose to resign from your position with the Department prior to receiving a Letter of Disciplinary Action, you will forfeit your appeal rights with the Idaho Personnel Commission.



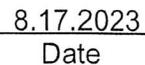
Randy Valley, Warden



Date



Approved: Christine Starr, Deputy Director



Date



8-18-23

I acknowledge receipt – Eric McDonough

Date

cc: Christine Starr – Deputy Director (e-mail)
Chad Page – Chief of Prisons (e-mail)
Amanda Gentry – Deputy Chief of Prisons (e-mail)
Liz Neville – Deputy Chief of Prisons (e-mail)
Ashley Spoerer – Human Resource Officer (e-mail)
Division of Human Resources
Personnel File