

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
16-18106			September 19, 2016		
Location of Incident		City/State/Zip		Date of Complaint	
				October 6, 2016	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION		CATEGORY			
OPCR Ord. § 172.20(8)		VIOLATION OF THE P&P MANUAL			
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
2311 ; Toscano, Geoffrey		MPD P&P § 3-800 (III) (A) (1) OFF DUTY EMPLOYMENT MPD P&P § 3-800 (III) (D) (7) MPD P&P § 5-102 CODE OF ETHICS 13.43			
ALLEGATION SUMMARY					
<p>It is alleged that the officer left an overtime shift 4 hours prior to what was claimed as hours worked. Further, when questioned by a supervisor whether he had worked his entire shift, the officer allegedly told the supervisor that he had.</p> <p>On another day, the officer is alleged to have worked off-duty employment while also working his regular shift, resulting in the officer being paid by more than one employer at the same time. Additionally, it is alleged that he failed to apply and receive approval for the off-duty employment.</p>					
SUPERVISOR ASSESSMENT					
MEDIATION <input type="checkbox"/> Refer to Mediation COACHING <input type="checkbox"/> Refer to Precinct INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input type="checkbox"/> Admin Investigation: Investigator			DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Closed – Pending Further Information		
FINAL APPROVED INVESTIGATIVE REPORT <input type="checkbox"/> Refer to Panel					
IAU Commander				Date	
Director – Office of Police Conduct Review				Date	

Notice of Loudermill Hearing

01-18-2017

Sergeant Geoffrey Toscano
Juvenile Investigations
Minneapolis Police Department

RE: 16-18106

Sergeant Toscano,

This letter is to inform you that a Loudermill Panel will be convened on Tuesday January 31, 2017 at 09:00 in the Chief's Offices, room 130 City Hall. At this time you will have an opportunity to present information to the panel regarding the following allegations:

13.43

3-800 III (D) Off Duty Employment
3-800 III (A) and (B) Off Duty Employment
5-102 Code of Ethics

You may have a federation representative or an attorney present during the hearing. A written summary of the case file containing information collected during the course of the investigation shall be provided to you upon request. It is your responsibility to contact the Internal Affairs Unit to obtain a copy of the case file at least 72 hours prior to the time of your scheduled Loudermill hearing. A copy of the data will only be released if you provide a written request to the Internal Affairs Unit to have the data released to you, your representative, or attorney.

If you chose not to attend the Loudermill hearing you are ordered to notify the panel chair by Friday January 27, 2107.

Sincerely,



Travis Glampe, Panel Chair
Deputy Chief
Minneapolis Police Department

MINNEAPOLIS POLICE DEPARTMENT

Deputy Chief Travis Glampe
Office of Professional Standards
Room 130-City Hall
350 South Fifth Street
Minneapolis, Minnesota 55415
612 673-2445



MEMORANDUM

02-03-2017

On 01-31-2017 a Loudermill Hearing was held with Sergeant Geoffrey Toscano regarding OPCR #16-18106. The Loudermill panel was composed of Commander Melissa Chiodo, Commander Troy Schoenberger and I. Sergeant Toscano attended the hearing along with Federation Representative Bill Bjork.

Following a review of the investigation, the contents of the investigative file, and the information presented at the hearing, the panel finds the following facts:

September 19, 2016

- On 09-19-2016 Sergeant Toscano worked an overtime shift in Juvenile Investigations after being asked to do so by Lt. Hildreth. The shift was scheduled to be 17:00 to 02:00. However, Lt. Hildreth told Sgt. Toscano he could leave after midnight.
- Toscano ended his shift at 23:30 and went home.
- Toscano states that he fell asleep, woke up and thought his clock said 01:30. In fact, the actual time 23:30.
- Toscano entered his overtime into Workforce Director, stating he worked from 17:00 to 02:00.
- As of the writing of this document, Toscano's time entry in Workforce Director shows that he was compensated for 9 hours of overtime from 17:00 to 02:00.

October 17, 2016

- Toscano worked off-duty employment for the Minnesota Film Board from 07:00 to 19:30 on 10-17.
- Toscano never submitted an Off-Duty Employment request, and was not given prior permission to work the off-duty job.
- Toscano was scheduled to work 13.43 in Juvenile Investigations on 10-17, and was the only person scheduled to work.
- Toscano texted Hildreth on 10-17 at 12:54 telling him he would be at work between 18:00 and 18:30.
- Hildreth acknowledges this and responds to Toscano that he would get someone to cover for him.

- Toscano reports for his shift at 19:42 and tells Sgt. Simonson, who is covering for him on overtime, that he isn't feeling well after his 12.5 hours of off-duty employment. Simonson agrees to stay and Toscano asks Simonson to enter a vacation day into Workforce Director.
- Toscano leaves shortly thereafter, believing that Simonson was going to enter the vacation day.
- Simonson never enters a vacation day for Toscano. Workforce Director shows Toscano having worked his normally scheduled shift from 16:00 to 02:00.
- On 10-28 Hildreth sends everyone in Juvenile Investigations, including Toscano, an email asking them to double check their time entries as he will be submitting payroll. Toscano ignores this email and does not check his time.
- As of the writing of this document Toscano's time entry in Workforce Director shows that he was compensated by the City for a full 10-hour shift.

The panel recommends sustaining the following policy in regards to the 09-19 incident:

5-102 CODE OF ETHICS (08/01/91)

(A-D)

All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City's Ethics in Government Policy, Chapter 15. (05/23/07)

On 09-17 Toscano left his shift at 23:30. He stated in the MPD's official timekeeping system, Workforce Director, that he was present until 02:00.

We do not find it plausible that Toscano drove all the way home without seeing a clock in his vehicle, or seeing a clock once he arrived at home. While there is no direct proof that Toscano did not see a clock prior to going to sleep, this does not excuse his negligence in abandoning his shift 2.5 hours early. Police officers are responsible for fulfilling their duties minus a reasonable explanation for an absence. Falling asleep and failing to properly read a clock is not an acceptable reason.

We also find that regardless of Toscano's belief of what the actual time was, he did in fact knowingly falsify his time entry when he said he worked until 02:00. Toscano said he left at 01:30, yet he entered his time as leaving at 02:00.

Along with the false time entry, the panel also believes that this policy is supported by the fact that Toscano's inability to properly read his clock was caused by his falling asleep on duty.

In regards to the 10-17 incident the panel finds the following policy violations:

3-800 OFF-DUTY EMPLOYMENT (05/09/00) (07/25/01) (03/07/03) (06/10/03) (04/23/04) (02/10/06) (5/16/12)

(A-D)

I. Purpose

To provide employees with information related to policy rules and regulations for off-duty employment.

II. Policy

Minneapolis Police Department employees who work off-duty are subject to the rules, regulations, ordinances, and the policies and procedures of the City of Minneapolis and Minneapolis Police Department.

In all cases of off-duty employment the primary duty, obligation, and responsibility of an employee is to the City of Minneapolis and the MPD. This policy applies to all off-duty employment.

III. Rules/Regulations/Procedures

A. General Policies

- 1. All MPD employees who pursue off-duty employment must apply for and receive approval, before the off-duty employment commences. Unpaid/volunteer positions do not require completion of the Off Duty/Employer Site Approval Request Form.*

B. Application & Approval Process

- 1. To apply for off duty employment approval employees must submit an electronic application through the Workforce Director system for each job site, including off-duty employment that is not scheduled at the precinct, but is paid on the employee's City paycheck (i.e. Detox Van, Park Board, or other City departments, etc.). Incomplete applications will not be approved.*

C. Restrictions and Prohibitions

- 8. An employee shall not submit time documents to the City or an off-duty employer that will result in being paid by more than one employer for the same time period.*

In assessing October 17, we will break it down into 2 sections. First we will address the lack of authorization to work the off-duty job. Second, we will address Toscano being compensated for his regular wages while not being at work, and while being paid by an outside employer.

Off-Duty Authorization

The panel finds that Toscano did not obtain permission to work the part-time for Minnesota Film Board. He admits that he never obtained the proper permission dictated by policy.

Improper Compensation

The panel finds that Toscano was compensated by the City of Minneapolis for his regular 10 hour shift, without having worked any portion of that shift. The panel further finds that Toscano was being compensated by Minnesota film board from 16:00 to 19:30, while at the same time he was being compensated by the City of Minneapolis.

We find that Toscano believed that Simonson had agreed to enter 10 hours of vacation for him into Workforce Director. Had this been done, Toscano's time would have been accurately reflected. We also find that Simonson's failure to enter this vacation time does not completely absolve Toscano of his inaccurate time entry. Toscano fully admits that he is responsible for assuring his time is accurately recorded. Lt. Hildreth sent a reminder email for employees to check their time entry prior to it being submitted to payroll. Had Toscano checked his time he should have found the inaccuracy and made the proper correction. Instead, by his own admission, Toscano disregarded this direction.

To this day, Toscano has not made the correction to his time and it still shows him being improperly compensated by the City.

The panel also finds that Toscano's judgment in handling of this off-duty employment was improper, as his loyalty was first to his part-time employer, and secondly to the MPD. When Toscano and his partner, Sgt. Luis Porras, logged on for the start of their part-time shift, they indicated they would be working until 1900. At 12:54 that day, Toscano contacts Lt. Hildreth to tell him he would be late, listing 18:00-18:30 as his time of arrival for his MPD shift. This was despite the fact that that Toscano was the only person scheduled to work in Juvenile Investigations that evening. This is further exacerbated by Toscano not actually showing up for work until 19:42, knowing that someone was working overtime to cover for him.

Final Recommendations

The panel recommends sustaining the following:

5-102 Code of Ethics at a D level

The panel recommends a 20 hour suspension.

3-800 III A(1) and III B(1)-Off-Duty Employment (failure to obtain approval to work off-duty) at a B level.

This policy violation falls on the Discipline Matrix as a 10 hour suspension for both Baseline and Mitigating factors. The panel recommends a 10 hour suspension.

3-800 II and 3-800 III C (8)-Off Duty Employment at a C level.

The panel recommends 10 hour suspension and a 6 month suspension of law enforcement-related off-duty employment.

The panel also recommends that Toscano's payroll be corrected to show the vacation day that he has never entered for 10-19. Also 2.5 hours of overtime that was unjustly paid out to Toscano, shall be paid back.

The Office of Police Conduct Review

Review Panel Session

Sign-in Sheet

Case # 16-18106

Date January 10, 2017

Time 5:30pm

Location City Hall Room 239, Intake Room

PANELISTS	NAME	SIGNATURE
Civilian 1	Ngoc Nguyen	
Civilian 2	Phillip Trebatoski	
Sworn 1	Lt. Jeff Rugel	
Sworn 2	Lt. John Delmonico	

Chair is: SWORN

Chair's Name: Lt. Jeff Rugel

Complaint Number 16-18106

Complainant: Joint Supervisors

Officer: Geoffrey Toscano, Badge #7257

Jurisdiction: M.C. O. §§ 172.20

Date of Incident: September 19, 2016

Date Filed: October 06, 2016

Date of Panel: January 10, 2017

Panelists in Attendance (Sign below)

Panelist 1

Ngoc Nguyen

Civilian 1

Panelist 2

Phillip Trebatoski

Civilian 2

Panelist 3

John Delmonico

Sworn 1

Panelist 4

Jeff Rugel

Sworn 2

The Chair is

I..t. Jeff Rugel

Civilian/Sworn

Allegation 1

P&P § 5-102

Civilian 1 Vote	Merit
Civilian 2 Vote	Merit
Sworn 1 Vote	Merit
Sworn 2 Vote	Merit

13.43

Allegation 4

P&P § 3-800(A) 1

Civilian 1 Vote	Merit
Civilian 2 Vote	Merit
Sworn 1 Vote	Merit
Sworn 2 Vote	Merit

Incident Summary

This investigation was initiated after timekeeping discrepancies were found to exist with Sergeant Geoffrey Toscano by Lieutenant Hildreth. Lieutenant Christopher Hildreth notice Minneapolis Police Department (MPD) CAPRS 16-342864 and in supplement #4 it stated the Juvenile unit was closed and this was during the time Sergeant Toscano was working on September 19th, 2016. Sergeant Toscano worked an overtime shift on September 19, 2016, at his assigned unit, Juvenile investigations. According to Workforce director Sergeant Toscano allegedly worked overtime from 05:00 PM on September 19th to 02:00 AM into September

20th. Sergeant Toscano allegedly left prior to the times we claimed as hours worked in Workforce director.

Lieutenant Hildreth asked Sergeant Toscano what time he left the Juvenile Unit for his shift on September 19th. Sergeant Toscano stated the earliest he left was 01:50 AM on September 20th. Lieutenant Hildreth notified his supervisor, Commander Melissa Chiodo of the Special Crimes Investigations Division in reference to this discrepancy. Commander Chiodo then notified Lieutenant Henry Halvorson from Internal Affairs.

Lieutenant Hildreth was notified by Sergeant Bradley Simonson, Juvenile investigator, that Sergeant Toscano never arrived for his scheduled shift on October 19th, 2016, and that Sergeant Toscano was working an Off Duty job for a Film company, allegedly resulting in Toscano being paid by more than one employer for the same period. An Off Duty Employment Employee Report was reviewed and the only approved Off Duty site for Sergeant Toscano was City Center, directing traffic.

Allegations

1. It is alleged Sergeant Toscano entered overtime from 05:00 PM to 02:00 AM, for a 9 hour shift on September 19th, 2016. It is alleged Sergeant Toscano left his overtime shift at 11:31 PM, approximately 2 1/2 hours early, and he was still compensated for the entire 9 hour overtime shift, *5-102 Code of Ethics*.

13.43



3. It is alleged Sergeant Toscano submitted timekeeping documents to the City and an Off-Duty employer that resulted in him being paid by the City and the employer for the same time period on October 17th, 2016, *Off-Duty Employment (D) 7*.
4. It is alleged Sergeant Toscano failed to apply and receive approval before working Off-Duty Employment for the Minnesota Filming Board, *3-800 Off-Duty Employment (A) 1*.

Allegation #1:

It is alleged Sergeant Toscano entered overtime from 05:00 PM to 02:00 AM, for a 9 hour shift on September 19th, 2016. It is alleged Sergeant Toscano left his overtime shift at 11:31 PM, approximately 2 ½ hours early, and he was still compensated for the entire 9 hour overtime shift, *5-102 Code of Ethics*.

Supportive Findings:

In his interview, Sgt. Toscano claimed that he left work early because he was drowsy and confused about the time. The panel agreed that while Sgt. Toscano may have inadvertently left early, he entered his OT for the full shift later the next day. The panel felt that Sgt. Toscano should have absolutely known by the time he entered his time in WFD, that he had left work early, and should have entered the actual hours worked.

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REMAND <input type="checkbox"/>	SPLIT <input type="checkbox"/>
<i>This allegation has merit.</i>	<i>This allegation does not have merit.</i>	<i>Remand to investigation for additional information.</i>	<i>There is no majority vote.</i>

Allegation #4:

It is alleged Sergeant Toscano failed to apply and receive approval before working Off-Duty Employment for the Minnesota Filming Board, *3-800 Off-Duty Employment (A) 1.*

Supportive Findings:

Sgt. Toscano admitted that he did not submit the required Off Duty Employment form and the panel found there was merit to this allegation.

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REMAND <input type="checkbox"/>	SPLIT <input type="checkbox"/>
<i>This allegation has merit.</i>	<i>This allegation does not have merit.</i>	<i>Remand to investigation for additional information.</i>	<i>There is no majority vote.</i>

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT

DISCIPLINE WORKSHEET
Category B-C Violations

Sergeant Geoffrey Toscano #2311

09-19-2016 and 10-17-2016

16-18106

Employee's Name and ID Number

Date of Incident

IAU Case Number

STEP 1 - CHARGES

Policy Number	Description	Category (A-D)

STEP 2 - PRECINCT PANEL HEARING

Compose Findings Letter

01-18-2017
Date of Hearing

09:00
Time of Hearing

Room 130 City Hall
Location of Hearing

Policy Number	Description	Category	S	NS	E	U	P
5-102	Code of Ethics		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.43							
3-800	Off-Duty Employment	C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

S = Sustained

NS = Not Sustained

E = Exonerated

U = Unfounded

P = Policy Failure


Commander's Signature/Employee Number

01-18-2017
Date

Cmdr. Troy Schoenberger

Panel Member in Attendance

× Concur ☐ Not Concur

Cmdr. Melissa Chiodo

Panel Member in Attendance

× Concur ☐ Not Concur

Minneapolis Police Department
Internal Affairs Unit
Disciplinary Worksheet, page 2 of 3

STEP 3 – LOUDERMILL HEARING

Compose Discipline Letter

01-21-2017 09:00 Room 130 City Hall
Date of Hearing Time of Hearing Location of Hearing

Was the employee present at the hearing? ☒ Yes ☐ No

AGGRAVATING AND/OR MITIGATING FACTORS

Policy Number	Description	Category	S	NS	E	U	P
5-102	Code of Ethics		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3-800 III A(1) & B (1)	Off-Duty Employment-Fail to get Authorization	B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3-800 II & III C(8)	Off-Duty Employment-Submit Records for payment by 2 employers and primary duty to MPD	C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13.43

S = Sustained NS = Not Sustained E = Exonerated U = Unfounded P = Policy Failure

Recommended Discipline See Memo

Has the employee been advised of the final recommendation? ☒ Yes ☐ No

 02-06-2017
Commander's Signature/Employee Number Date

Cmdr. Troy Schoenberger
Panel Member in Attendance
x Concur ☐ Not Concur

Cmdr. Melissa Chiodo
Panel Member in Attendance
x Concur ☐ Not Concur

Minneapolis Police Department
Internal Affairs Unit

Disciplinary Worksheet, page 3 of 3

STEP 5- CHIEF- FINAL DISPOSITION

5-102	CODE OF Ethics	CAT	■	Sustained	20 HOUR SUSPENSION
3-800	III A(1) & B(1)	OFF DUTY EMPLOYMENT	-	fail to get Authorization	CAT B Sustain - 10 HOUR SUSP.
3-800	II & III(B)	OFF DUTY EMPLOYMENT	-	Submit Records	CAT C Sustain - 10 HOUR SUSPENSION.
13.43	■ g LAW enforcement related off-duty employment.				
Correct Sgt. Toscano's PAYROLL RE VAC DAY & Adjustment of OT. See memo					
A.C. Amosa					
2-7-2017					

Chief of Police Signature
MP-1408 (Revised 12/13)

Date

NOTICE OF DISCIPLINE

February 8, 2017

Sgt. Geoffrey Toscano
Juvenile Investigations
Minneapolis Police Department

RE: OPCR Case Number #16-18106
Notice of Suspension (40 hours suspension without pay)

Sgt. Toscano,

The finding for OPCR Case #16-18106 is as follows:


MPD P/P 5-102 Code of Ethics.....**SUSTAINED** (Category [REDACTED])
MPD P/P 3-800 III A(1) & B(1) Off-Duty Employment – Fail to get Authorization.....**SUSTAINED** (Category B)
MPD P/P 3-800 II & III C(8) Off-Duty Employment – Submit Records.....**SUSTAINED** (Category C)
13.43 [REDACTED]

As discipline for this incident you are suspended for 40 hours without pay. In addition, for **13.43** [REDACTED] you are suspended of Law Enforcement related off-duty employment. 2/10/17-8/10/17 MC.

This case will remain in OPCR files per the record retention guidelines mandated by State Law.

For discipline less than **TERMINATION**, be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,

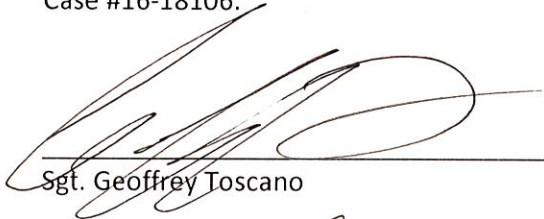

Janeé Harteau
Chief of Police

By: Kristine Arneson, Assistant Chief of Police
Travis Glampe, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

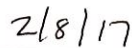
Acknowledgement of receipt:

I, Sgt. Geoffrey Toscano, acknowledge that I have received my Notice of Discipline for OPCR Case #16-18106.


Sgt. Geoffrey Toscano


Date of Receipt


Commander Melissa Chiodo


Date

CC: Personnel
OPCR

DISCHARGE, SUSPENSION OR INVOLUNTARY DEMOTION FORM

Please enter the requested information directly into the form and provide a copy to the employee once completed and signed.

Employee Name: Geoffrey Toscano	Employee ID: 007257
Job Title: Sergeant	Job Code:
Department: Minneapolis Police Department	
Is this employee a Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
Has this employee passed probation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

NATURE OF ACTION:

☐ Discharge: Effective Date: At ☐ a.m. ☐ p.m.

☐ Probationary Release: Effective Date: At ☐ a.m. ☐ p.m.

☒ Suspension without pay:

Total Working Days (or hours): **40 hours**

Beginning on: **2/21/17** Ending on: **2/28/17 Return to work.**

☐ Demotion:

☐ Permanent – Effective Date:

☐ Temporary – Beginning on: Ending on:

Demoted to:

Job Title: Job Code: at the following hourly rate of pay or annual salary: \$

REASON(S) FOR THIS ACTION: (Check applicable boxes below and attach Letter of Determination that includes specific violations)

☒ Violation of Civil Service Commission Rule 11.03 – Subdivision:

☐ A. Substandard Performance

☒ B. Misconduct **19**

☒ Violation of the Department Rule(s), Law(s), Ordinance(s), or Regulation(s) **5-102, 3-800**

NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS

DISCHARGE AND PROBATIONARY RELEASE AND SUSPENSION AND INVOLUNTARY DEMOTION

Probationary Employees – Employees, including veterans separated from the United States military service under honorable conditions, who have not passed an initial hiring probationary period do not have a right to a hearing before the Civil Service Commission (CSC).

Veteran Employees (Permanent) - Employees holding permanent positions with the City or Park Board of Minneapolis, and who are veterans separated from the United States military service under honorable conditions and who have passed an initial hiring probationary period, have a right to a hearing prior to discharge from employment or involuntary demotion. Temporary employees who are veterans do not have a right to a hearing.

Permanent Non-Veteran Employees have a right to a hearing by the CSC upon written request. Non-veterans who have passed probation are permanent employees.

Disciplinary Suspension or Demotion - Employees may be suspended without pay for disciplinary reasons for periods not to exceed 90 calendar days. Suspensions of 31 to 90 calendar days may be appealed by the employee to the CSC.

Employees may be demoted for disciplinary reasons and/or for substandard performance, either temporarily (up to 180 days) or permanently. Permanent employees may appeal any permanent demotion and/or salary decrease.

DISCHARGE, SUSPENSION OR INVOLUNTARY DEMOTION FORM

NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS continued

REQUESTING A HEARING

IMPORTANT: The employee should refer to the Civil Service Rules and/or the appropriate labor contract to determine what, if any, appeal rights he or she may have. The employee may choose whether to appeal this action through the Civil Service Commission or through processes available through a labor contract, but may not appeal through both.

Requesting a Hearing: Non-Veterans - A written request for hearing must be postmarked or received by the Civil Service Commission within 15 calendar days from the date disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was provided to the employee. If the 15th day falls on a Saturday, Sunday, or legal holiday, the request must be served on or before the following business day. The date of postmark must be within that 15-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case.

Requesting a Hearing: Veterans - A written request for hearing must be received by the Civil Service Commission within 30 calendar days of receipt by the employee of the notice of intent to discharge. The 30 days are counted from the first day after receipt of the notice by the employee. If the 30th day falls on a Saturday, Sunday, or legal holiday, the request must be served on or before the following business day. The request for a hearing may be accompanied by the employee's statement of his or her version of the case. A failure to request a hearing within the provided 30 day calendar period constitutes a waiver of the right to a hearing.

ALL REQUESTS FOR A HEARING AND APPEALS MUST BE MAILED WITHIN THE REQUIRED TIMELINES TO:

Minneapolis Human Resources Department/Civil Service Commission
250 South 4th Street, Room 100
Minneapolis, MN 55415

NOTIFICATION TO EMPLOYEE:

☒ The employee was given an opportunity to respond to the written charges at a pre-determination meeting held on: Date: January 31, 2017

☐ The employee failed to appear at the pre-determination meeting.

☒ A copy of this form and relevant accompanying information was given to the employee on 2/8/17.
☐ A copy of this form and relevant accompanying information was sent by US mail, to the employee's address of record provided by employee.

Signature of Department Head: AC Kinsler
Date: _____

Signature of Person Mailing/Delivering Notice: [Signature] 2/8/17
Date: _____

Entered into COMET-HR by: _____ Date: _____



POLICE OFFICERS FEDERATION OF MINNEAPOLIS

1811 University Ave., N.E.
Minneapolis, MN 55418
612-788-8444 phone • 612-788-7135 fax S 

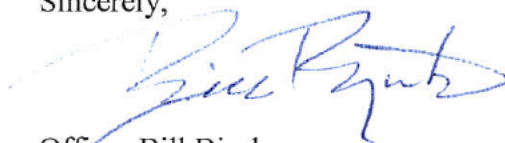
February 22, 2017

Deputy Chief Travis Glampe
City Hall, Room 130
350 S 5th St
Minneapolis, MN 55415

Dear Chief Glampe:

Enclosed please find the grievance filed on behalf of Sergeant Geoff Toscano regarding OPCR Case #16-18106, which resulted in a 40 hour suspension and **13.4** month suspension of off-duty employment. I would request to meet with you at your earliest convenience regarding POFM Grievance #17-6. Thank you.

Sincerely,



Officer Bill Bjork

CC: Chief Harteau
CC: Assistant Chief Arneson
CC: Nina Doree, Police Admin Secretary
CC: Laura Davis, Labor Relations
CC: Erin Naveen, HR Consultant
CC: Cmdr. Jason Case, Internal Affairs
CC: Bob Kroll, Federation President
CC: Emily Kokx, Admin Assistant

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David A. Garman

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Anna C. Hedberg
Todd D. Sauvageau

Ronald A. Stenerson
Richard C. Walker
Adam J. Swierczek
Park Police Representative

**Police Officers' Federation of Minneapolis
Grievance Form**

Grievant: Geoff Toscano **Grievant's Rank:** Sergeant

Grievant's Work Location: Juvenile **Grievance Number:** 17-6

Name & Title of Grievant's Immediate Supervisor: Lt. Chris Hildreth

Statement of Grievance: No just cause for discipline.

Contract Violation(s): Section 4.1

Remedy Sought: Make whole.

Dated: February 22, 2017 **Name of Federation Representative:** Off. Bill Bjork

Presented to: Deputy Chief Glampe **Date:** February 22, 2017

**IN RE:
THE MATTER OF**

THE CITY OF MINNEAPOLIS
(Minneapolis Police Department)

and

Settlement Agreement
(Grievance # 17-6; OPCR Case # 16-18106)

**POLICE OFFICERS' FEDERATION
OF MINNEAPOLIS**
(Geoffrey Toscano, Grievant)

This Settlement Agreement ("Agreement") is made and entered into by and between the City of Minneapolis ("City"), the Police Officers' Federation of Minneapolis ("Federation") and Sergeant Geoffrey Toscano, Badge No. 7257 ("Grievant").

RECITALS

A. The City and the Federation are parties to a collective bargaining agreement ("Labor Agreement") that governs the relationship between them.

B. The Grievant is employed by the City in its Police Department ("MPD").

C. The Federation is the Grievant's sole and exclusive certified bargaining representative.

D. The MPD suspended Grievant Geoffrey Toscano without pay for 40 hours for a Category [REDACTED] violation of the MPD's Policy and Procedure Manual Section 5-102, Code of Ethics; a Category B violation of the MPD's Policy and Procedure Manual Section 3-800, Off-Duty Employment – Fail to Get Authorization; and a Category C violation of Section 3-800, Off-Duty Employment – Submit Records.

E. The MPD restricted Grievant from off-duty law enforcement employment for 13.43 [REDACTED]

F. The Federation grieved the suspension, Grievance # 17-6, citing a violation of "Section 4.1."

G. Article 5, Section 5.4 of the Labor Agreement states: "The Chief of Police shall have the full authority of the City Council to resolve the grievance."

H. The Federation and the City wish to resolve this matter amicably and without resort to arbitration.

NOW THEREFORE, the parties agree as follows:

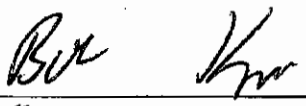
AGREEMENT

1. The Federation withdraws Grievance # 17-6, with prejudice.
2. The City shall impose and the Federation, on behalf of the Grievant, shall accept a 40-hour unpaid suspension for a Category C violation of the MPD's Policy and Procedure Manual Section 5-102, Code of Ethics; a Category B violation of the MPD's Policy and Procedure Manual Section 3-800, Off-Duty Employment – Fail to Get Authorization; and a Category C violation of Section 3-800, Off-Duty Employment – Submit Records.
3. The Federation, on behalf of the Grievant, agrees that the Grievant is restricted from off-duty law enforcement employment for three months: February 10-May 10, 2017.
4. The Federation, as an entity and on behalf of its members individually, agrees that the Federation, its bargaining unit members and the grievant are bound by this Agreement as if they had entered into this Agreement individually.
5. The City and the Federation agree that this Agreement is without prejudice or precedent to any future matter involving any City employee, other than the Grievant;

that the circumstances of this case and the discussions leading toward this Agreement will not be referred to, directly or indirectly, in any future arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant; and that this Agreement shall be of no value as evidence, and shall not be submitted or received as evidence, in any arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant.

ACCEPTED AND AGREED TO:

FOR THE FEDERATION:



Bob Kroll
President, Police Federation

Date: 3/13/17

FOR THE CITY OF MINNEAPOLIS:



Janeé L. Harteau
Chief of Police

Date: 3/14/2017