

1 the end of the restrictive bid process."

2 We agreed to strike out old language in  
3 that paragraph that was which required that  
4 employee to complete the ongoing investigation,  
5 slash, task or train or replacement will be  
6 allowed to do so before going to their new bid  
7 position when mutually agreed to. That language  
8 was struck by mutual agreement.

9 That's the only changes to 4. Right?

10 MS. GODWIN: That's correct.

11 COLONEL CLARK: And they're all agreed  
12 upon?

13 MS. GODWIN: They are. So do you want --  
14 Mr. Thornton, do you want us to sign off on these  
15 now or the individual articles?

16 MR. THORNTON: Yes. Which one do you  
17 want to sign off on? I got your version --

18 MS. GODWIN: Just sign off on the clean  
19 one.

20 COLONEL CLARK: Let's do this one.  
21 Right?

22 MR. THORNTON: Right.

23 MS. GODWIN: Correct.

24 COLONEL CLARK: Since you -- since y'all

1 read with me, we'll use yours. You are proofing  
2 my reading. So didn't y'all get one of these  
3 clean ones?

4 MS. GODWIN: Yes.

5 COLONEL CLARK: We'll use yours since you  
6 proofed it.

7 MR. THORNTON: Use ours?

8 MS. GODWIN: Huh?

9 COLONEL CLARK: Huh?

10 MR. THORNTON: Use ours or theirs?

11 COLONEL CLARK: The one they were reading  
12 with me, though.

13 MS. GODWIN: So we should do two.

14 MR. THORNTON: Two. Okay.

15 MS. GODWIN: You do one, and I'll do one,  
16 and we'll switch.

17 COLONEL CLARK: Okay. I gotcha.

18 MR. THORNTON: The time is 3:52, Debbie.

19 COLONEL CLARK: For the record, Debbie,  
20 you talked about this. Next Thursday at the  
21 track meeting city wide, I'm going to do a  
22 presentation of these changes so that they're  
23 familiar with it, how the -- you know, the  
24 disciplinary stuff and all that stuff. So it

1 won't be -- so we will all be straight, the  
2 disciplinary resumes, the hearings, the stuff  
3 we're about to get to, 96 hours and all that  
4 stuff.

5 MR. THORNTON: I'll have an answer to  
6 your question before then. I'll e-mail it.

7 MR. SEWELL: A minimum of 96 hours.

8 COLONEL CLARK: We're going to get to it.

9 MS. GODWIN: Are we on the record right  
10 now? We are. Right?

11 Okay. That's fine. And that's -- we --  
12 that's along the lines we discussed in previous  
13 meetings about the need for management to  
14 understand the changes. Right?

15 COLONEL CLARK: Correct.

16 MS. GODWIN: Okay.

17 COLONEL CLARK: Dues check-off is really  
18 a Gerald Thornton side, but it's only one  
19 sentence, Article 7. Everything will stay as it  
20 is but the sentence of the city agrees to a  
21 payroll deduction with the MPA's nonprofit  
22 501(C)(3).

23 MS. GODWIN: Right.

24 COLONEL CLARK: Agreed?

1 MR. THORNTON: Agreed.

2 MS. GODWIN: Agreed.

3 MR. THORNTON: And for the record,  
4 also -- for the record, the Association has to  
5 get in contact with Terry Lumpkin, who's going to  
6 walk you through the process.

7 MR. SEWELL: Yes. I'm aware of Terry.  
8 Well, this is an old form we're no longer using.

9 COLONEL CLARK: That's the one we were  
10 sent.

11 MS. GODWIN: By us?

12 COLONEL CLARK: Yes.

13 MR. SEWELL: Did we not update?

14 COLONEL CLARK: No.

15 MR. THORNTON: That's the most recent  
16 e-mail we got.

17 COLONEL CLARK: This right here. That's  
18 what was sent, and that's what we signed off on  
19 or -- is this new or old?

20 MR. SEWELL: That's the old one.

21 COLONEL CLARK: That's what was sent.

22 MS. GODWIN: I'm going to hand you a copy  
23 of the form that we're using -- that's presently  
24 in use. But I guess that was -- the one that we

1 handed you before was the one that was in the  
2 contract in the MOU.

3 Are y'all okay with just signing off on  
4 the bottom of this one?

5 MR. THORNTON: It's actually -- is this  
6 the new language right here, or is that something  
7 different?

8 COLONEL CLARK: There's two new changes.

9 MR. THORNTON: That's the old one.  
10 Right?

11 COLONEL CLARK: And a removal.

12 MS. GODWIN: If you just want to put it  
13 on the record that we will incorporate the  
14 current form that's being used in the MOU.

15 COLONEL CLARK: Oh, so this is currently  
16 being used. Right?

17 MS. GODWIN: Correct.

18 MR. THORNTON: So it's not updated.

19 COLONEL CLARK: It's not updated. It's  
20 just --

21 MS. GODWIN: Current form that's being  
22 used. What I'm saying is the one that was handed  
23 to you was the one that was in the old MOU.

24 COLONEL CLARK: How about we take your

1 word that this is the current form being used and  
2 unless we prove otherwise, that is what we're  
3 going with.

4 MS. GODWIN: Right.

5 COLONEL CLARK: Right. I like signing it  
6 because that makes it -- because it is a change  
7 of what we've been passed around.

8 MR. THORNTON: Right.

9 MS. GODWIN: I mean, it doesn't have the  
10 501(C)(3) on it.

11 COLONEL CLARK: It does, too.

12 MR. THORNTON: What's the name of it?

13 MR. WILLIAMS: Memphis Police Association  
14 Foundation, Charitable Foundation.

15 MS. GODWIN: It does have it on there.  
16 Sorry.

17 COLONEL CLARK: It's got two. It's got  
18 the --

19 MR. THORNTON: We shall sign this one.

20 COLONEL CLARK: Debbie, you want to  
21 initial off on that one, too, the form?

22 MS. GODWIN: Yeah.

23 MR. THORNTON: And for the record, also,  
24 can you all send us that document electronically

1 so when we get the books printed up, we'll have a  
2 copy of that?

3 MS. GODWIN: Yes.

4 COLONEL CLARK: Just the form.

5 MR. THORNTON: Just the form.

6 COLONEL CLARK: Just copy me on it and  
7 just send it to him.

8 Are you ready to proceed?

9 MR. THORNTON: Excuse me a second.

10 (BRIEF PAUSE)

11 COLONEL CLARK: Ready, Debbie?

12 MS. GODWIN: Yes, sir.

13 COLONEL CLARK: Article 14? Starting  
14 with the first paragraph, the term departmental  
15 discipline will refer to an oral reprimand,  
16 written reprimand, suspension without pay,  
17 reduction to next lower rank and/or termination  
18 of employment where an officer is accused of  
19 violating a specific departmental or City rule,  
20 regulation, procedure or policy or questions  
21 regarding an officer's professional competence  
22 which results in a sustained departmental  
23 statement of charges after administrative hearing  
24 process.

1           That is what we agree this paragraph to  
2 become. We agree old language of those  
3 situations will be struck. But the way I read it  
4 is the way.

5           A totally new paragraph is to be put in  
6 as to the second paragraph, disciplinary resumes  
7 will contain sustained departmental charges only  
8 and will reflect the case disposition of the  
9 respective charge, parenthesis, S, parenthesis,  
10 period. When an employee is charged with  
11 violation of departmental regulations, the  
12 employee's disciplinary resume shall be kept in a  
13 sealed envelope and a statement of charges packet  
14 shall not be reviewed by the hearing officer  
15 unless the hearing officer sustains the charges,  
16 and the S is in parenthesis, and will be  
17 considered only in determining appropriate  
18 discipline.

19           Do you agree to both those paragraphs?

20           MS. GODWIN: That is as we agree.

21           COLONEL CLARK: Going now to what now  
22 will be the sixth paragraph, new language  
23 completely. Advanced notice of administrative  
24 hearing -- are y'all with me, or did I go too

1 quick? It should be the sixth paragraph, which  
2 is a totally new paragraph.

3 MR. THORNTON: Seventh.

4 COLONEL CLARK: I'm sorry. Seventh. I  
5 can't count.

6 Advanced notice of an administrative  
7 hearing on departmental charges shall be given in  
8 no less than 96 hours prior to the hearing.  
9 Notice begins upon issuance of the summons to the  
10 charge officer, a reasonable amount of time to  
11 review the statement of charges, parenthesis,  
12 including all proof to be relied on by the  
13 hearing officer, end of parenthesis, is to be  
14 given to the representative prior to the  
15 administrative hearing. Agreed?

16 MS. GODWIN: Agreed.

17 COLONEL CLARK: Next paragraph, which  
18 will be the eighth paragraph, will exist with the  
19 exception of the word expunged being removed and  
20 the word redacted being put in in its place.

21 MS. GODWIN: That's agreed.

22 COLONEL CLARK: The last paragraph, which  
23 will be a new paragraph, will read, Officers will  
24 be allowed to work off duty while on suspension

1 except in a security capacity. Agreed?

2 MS. GODWIN: That's agreed.

3 COLONEL CLARK: We also agreed at the  
4 table that the Department would have an  
5 additional employment policy update. I think  
6 it's important we go over a couple -- a point or  
7 two here, Debbie, on these.

8 MS. GODWIN: Okay.

9 COLONEL CLARK: I mean, I think we all  
10 did a good job on the first two paragraphs since  
11 it's clear as water to me. Anyone want to say  
12 anything about those, resumes being sealed, only  
13 sustained statement of charges being in there?

14 MS. GODWIN: I think this is going to go  
15 a long way to clear up a lot of issues that  
16 really came into hearings that shouldn't have.

17 COLONEL CLARK: Correct.

18 MS. GODWIN: And were a result of some --  
19 an informal early intervention program that's  
20 gone by the wayside. So I think this really  
21 clears that up. And it's going to be helpful in  
22 making sure that officers get fair hearings and  
23 that they're disciplined for the right reasons.

24 COLONEL CLARK: Right. And going along

1 with what you have said, this has to do only with  
2 discipline. And you know, in no way are we  
3 saying the Department doesn't have the ability to  
4 come forward with a workable early intervention  
5 program that we've also discussed at the table,  
6 that we don't not only have the right but  
7 actually have the responsibility when we identify  
8 problematic -- problems, to get that officer  
9 training or help or whatever to correct the  
10 problem outside of discipline. Agreed?

11 MS. GODWIN: Agreed, so long as that  
12 those programs are separated from discipline.

13 COLONEL CLARK: Outside of discipline.

14 MS. GODWIN: Correct.

15 COLONEL CLARK: The -- this new  
16 paragraph, the 96 hours is one thing that J.D.  
17 mentioned. 96 hours prior, that is a minimum.  
18 It's up to the hearing officer. If they want to  
19 wait two weeks, that's fine.

20 But one thing I would like to point out  
21 on that is when you keep on reading -- you know,  
22 because this is not to get -- it's 96 hours from  
23 the time the charged officer signs.

24 That has nothing to do with the file

1 being made available. I mean, it doesn't mean  
2 you -- you know, in other words, we talked about  
3 schedule conflicts. And it's a two-edge sword.

4 If the officer waits three days to call  
5 you and calls you the day before the hearing,  
6 that's really not a management problem that we  
7 have to deal with. It's something that y'all  
8 would have to deal with.

9 But at the same time, the hearing officer  
10 should make every possible, you know, attempt to  
11 make an agreeable scheduled time for them to come  
12 in. And I would go on record to say it certainly  
13 should not be 30 minutes before a hearing, which  
14 has been brought up at the table, unless it was  
15 agreed upon by both. Because there are some  
16 hearings that doesn't take long to review.

17 MS. GODWIN: Right.

18 COLONEL CLARK: 803 or so forth. Y'all  
19 want to say anything about that?

20 MS. GODWIN: No. I think -- I think  
21 that's understood if it's a simple -- simple  
22 matter that the times can be adjusted to meet  
23 that. And the same -- by the same token, if it's  
24 a serious matter that it took IAB, you know, a