

**LEXINGTON-FAYETTE URBAN COUNTY
CIVIL SERVICE COMMISSION**

In Re: Donnie Jent (#048624)
Resource Recovery Operator
Division of Waste Management

CHARGES

Comes now the Lexington-Fayette Urban County Government, Division of Waste Management, and charges Donnie Jent with violating the following sections of the Uniform Disciplinary Code: Section 3: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, Section 7: *Leaving Assigned Work Station Without Authorization*, Section 8(c): *Misconduct*, Section 8(d): *Inefficiency*, Section 2: *Stealing or Theft*, Section 15: *Failure to Submit Required or Completed Reports or Forms*, Section 13(b): *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing*, and misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, to-wit:

FACTUAL SUMMARY

The Lexington-Fayette Urban County Government (LFUCG), by and through its Division of Waste Management, operates a Loan-A-Box program, which makes available a 10-cubic-yard roll off container for the disposal of large amounts of debris to residents using city waste collection services. The Loan-A-Box program is available upon request to LFUCG waste collection customers who reside inside the urban service boundary. Fayette County residents are able to reserve a Loan-A-Box using an electronic form on the LFUCG website and a \$90 fee is due at the time of scheduling. Loan-A-Boxes are scheduled and delivered to residents on a first-come, first-serve basis. As of March 22, 2021, LFUCG does not accept in-person payment by check, cash or money order.

Mr. Donnie Jent is a Resource Recovery Operator in the Division of Waste Management, having been employed since December 6, 2010. As a Resource Recovery Operator, his job duties include operating heavy equipment which may include front-end dumpster trucks, rear loaders, automatic side loaders, and other equipment to collect refuse, recycling and yard waste, including Loan-A-Boxes; ensuring collections are made as required by their assigned schedules; inspecting equipment conditions and overall

general conditions visually and electronically per safety requirements pre- and post-trip; completing route sheets, notices and service requests; and supervising Public Service Workers.

Upon receipt of information that Resource Recovery Operators may be utilizing Loan-A-Boxes for uses other than authorized purposes and for personal gain, the Division of Waste Management commenced an investigation into Loan-A-Box program activities. That investigation revealed that, on a significant number of days and in a significant number of incidents between the dates of January 1, 2023, and June 9, 2023, Mr. Donnie Jent delivered Loan-A-Boxes to unauthorized locations, for individuals and businesses who had not scheduled and registered for a Loan-A-Box and had not paid the applicable fee. Mr. Jent thereafter retrieved the Loan-A-Boxes and disposed of the materials, with the costs of such Loan-A-Box deliveries and disposals being borne by LFUCG. These unauthorized "off-book" deliveries, pick-ups and disposals were not recorded for payment, resulting in both funds being diverted from LFUCG and additional costs being incurred by LFUCG. During the unauthorized "off-book" deliveries, pick-ups and disposals, Mr. Jent completed his timecard as if he was working for LFUCG during these unauthorized activities, which resulted in theft of time. In the approximate six-month period that was investigated, Mr. Jent moved Loan-A-Boxes to unauthorized locations over 400 times and claimed over 30 hours worked for non-work related activities. Finally, Mr. Jent repeatedly failed to complete required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy and repeatedly failed to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy.

Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, is defined as:

Employees shall utilize urban county government assets only for their intended purpose in accordance with established government or divisional procedures and shall not intentionally abuse, damage, or lose through negligence any urban county government asset.

Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization*, is defined in pertinent part as:

This offense occurs when employees leave the workstation without permission. It includes leaving the workstation to conduct personal business but does not include absence due to a valid emergency, if

employees ensure that their duties will be covered and they notify a supervisor.

Section 8(c) of the Uniform Disciplinary Code: *Misconduct* is defined as:

This offense is general in nature and applies when the actions of an employee do not fit within any other specific category. It may be used alone or in conjunction with other infractions. It should be used when an established government, department, or division policy or procedure does not contain a specific penalty.

Section 8(d) of the Uniform Disciplinary Code: *Inefficiency* is defined in pertinent part as:

[T]he failure, neglect, or inability of employees to perform their assigned duties or the performance of their assigned duties is performed in an inappropriate, inadequate, or unsuitable manner. This would include (a) spending their time in excessive personal conversations either on the phone or with others, (b) taking excessive breaks, (c) pushing work assignments off on others, or (d) engaging in any other activity that could cause them to neglect or be inattentive to their duties.

Section 2 of the Uniform Disciplinary Code: *Stealing or Theft*, is defined in part as:

Employees shall use urban county government assets only for their intended purpose in accordance with established government or divisional procedures and shall not take any urban county government assets to sell or for any other use.

Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Form*, is defined as:

Forms and reports that are part of an employee's job duties shall be submitted in accordance with established government, department, or division procedures.

Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)* is defined in pertinent part:

These violations include but are not limited to (a) removal or destruction of safety devices, (b) failure to keep equipment and work areas clean, (c) failure to report unsafe working conditions, or (d) failure to wear safety clothing (e.g. hard hats, safety glasses, steel-toe shoes, etc.)

COUNT I

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, Mr. Donnie Jent is

in violation of Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets.*

COUNT II

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, all during work hours, Mr. Donnie Jent is in violation of Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization.*

COUNT III

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, and by subsequently falsifying his corresponding time records to report time spent on these activities as work time, Mr. Donnie Jent is in violation of Section 8(c) of the Uniform Disciplinary Code: *Misconduct.*

COUNT IV

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, all during work hours, and therefore causing Mr. Jent to perform his assigned duties in an inappropriate manner, Mr. Donnie Jent is in violation of Section 8(d) of the Uniform Disciplinary Code: *Inefficiency.*

COUNT V

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations for personal gain and/or for private or other uses and not for their intended purpose, and by retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense using LFUCG resources, Mr. Donnie Jent is in violation of Section 2 of the Uniform Disciplinary Code: *Stealing or Theft.*

COUNT VI

That, by failing to complete the required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy, Mr. Donnie Jent is in violation of Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Forms.*

COUNT VII

That, by failing to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy, Mr. Donnie Jent is in violation of Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening).*


COUNT VIII

That the conduct alleged in Counts I through VII constitutes misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, and interferes with the efficient operation of the Division of Waste Management.

WHEREFORE, the Lexington-Fayette Urban County Government requests that the Civil Service Commission dismiss Donnie Jent pursuant to KRS 67A.280 and Section 21-44 of the Code of Ordinances.

Respectfully submitted,


Tracey Thurman, Director
Division of Waste Management


Nancy Albright, Commissioner
Department of Environmental Quality
and Public Works

**LEXINGTON-FAYETTE URBAN COUNTY
CIVIL SERVICE COMMISSION**

In Re: DeWayne Lewis (#055380)
Resource Recovery Operator
Division of Waste Management

CHARGES

Comes now the Lexington-Fayette Urban County Government, Division of Waste Management, and charges DeWayne Lewis with violating the following sections of the Uniform Disciplinary Code: Section 3: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, Section 7: *Leaving Assigned Work Station Without Authorization*, Section 8(c): *Misconduct*, Section 8(d): *Inefficiency*, Section 2: *Stealing or Theft*, Section 15: *Failure to Submit Required or Completed Reports or Forms*, Section 13(b): *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing*, and misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, to-wit:

FACTUAL SUMMARY

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Mr. DeWayne Lewis is a Resource Recovery Operator in the Division of Waste Management, having been employed since February 6, 2017. As a Resource Recovery Operator, his job duties include operating heavy equipment which may include front-end dumpster trucks, rear loaders, automatic side loaders, and other equipment to collect refuse, recycling and yard waste, including Loan-A-Boxes; ensuring collections are made as required by their assigned schedules; inspecting equipment conditions and overall

general conditions visually and electronically per safety requirements pre- and post-trip; completing route sheets, notices and service requests; and supervising Public Service Workers.

Upon receipt of information that Resource Recovery Operators may be utilizing Loan-A-Boxes for uses other than authorized purposes and for personal gain, the Division of Waste Management commenced an investigation into Loan-A-Box program activities. That investigation revealed that, on a significant number of days and in a significant number of incidents between the dates of January 1, 2023, and June 10, 2023, Mr. Lewis delivered Loan-A-Boxes to unauthorized locations, for individuals and businesses who had not scheduled and registered for a Loan-A-Box and had not paid the applicable fee. Mr. Lewis thereafter retrieved the Loan-A-Boxes and disposed of the materials, with the costs of such Loan-A-Box deliveries and disposals being borne by LFUCG. These unauthorized "off-book" deliveries, pick-ups and disposals were not recorded for payment, resulting in both funds being diverted from LFUCG and additional costs being incurred by LFUCG. During the unauthorized "off-book" deliveries, pick-ups and disposals, Mr. Lewis completed his timecard as if he was working for LFUCG during these unauthorized activities, which resulted in theft of time. In the approximate six-month period that was investigated, Mr. Lewis moved Loan-A-Boxes to unauthorized locations over 400 times and claimed over 60 hours worked for non-work related activities. Finally, Mr. Lewis repeatedly failed to complete required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy and repeatedly failed to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy.

Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, is defined as:

Employees shall utilize urban county government assets only for their intended purpose in accordance with established government or divisional procedures and shall not intentionally abuse, damage, or lose through negligence any urban county government asset.

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This offense occurs when employees leave the workstation without permission. It includes leaving the workstation to conduct personal business but does not include absence due to a valid emergency, if

employees ensure that their duties will be covered and they notify a supervisor.

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This offense is general in nature and applies when the actions of an employee do not fit within any other specific category. It may be used alone or in conjunction with other infractions. It should be used when an established government, department, or division policy or procedure does not contain a specific penalty.

Section 8(d) of the Uniform Disciplinary Code: *Inefficiency* is defined in pertinent part as:

[T]he failure, neglect, or inability of employees to perform their assigned duties or the performance of their assigned duties is performed in an inappropriate, inadequate, or unsuitable manner. This would include (a) spending their time in excessive personal conversations either on the phone or with others, (b) taking excessive breaks, (c) pushing work assignments off on others, or (d) engaging in any other activity that could cause them to neglect or be inattentive to their duties.

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Employees shall use urban county government assets only for their intended purpose in accordance with established government or divisional procedures and shall not take any urban county government assets to sell or for any other use.

Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Form*, is defined as:

Forms and reports that are part of an employee's job duties shall be submitted in accordance with established government, department, or division procedures.

Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)* is defined in pertinent part:

These violations include but are not limited to (a) removal or destruction of safety devices, (b) failure to keep equipment and work areas clean, (c) failure to report unsafe working conditions, or (d) failure to wear safety clothing (e.g. hard hats, safety glasses, steel-toe shoes, etc.)

COUNT I

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, Mr. DeWayne Lewis

is in violation of Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets.*

COUNT II

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, all during work hours, Mr. DeWayne Lewis is in violation of Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization.*

COUNT III

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, and by subsequently falsifying his corresponding time records to report time spent on these activities as work time, Mr. DeWayne Lewis is in violation of Section 8(c) of the Uniform Disciplinary Code: *Misconduct.*

COUNT IV

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, all during work hours, and therefore causing Mr. Lewis to perform his assigned duties in an inappropriate manner, Mr. DeWayne Lewis is in violation of Section 8(d) of the Uniform Disciplinary Code: *Inefficiency.*

COUNT V

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations for personal gain and/or for private or other uses and not for their intended purpose, and by retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense using LFUCG resources, Mr. DeWayne Lewis is in violation of Section 2 of the Uniform Disciplinary Code: *Stealing or Theft.*

COUNT VI

That, by failing to complete the required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy, Mr. DeWayne Lewis is in violation of Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Forms.*

COUNT VII

That, by failing to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy, Mr. DeWayne Lewis is in violation of Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening).*

COUNT VIII

That the conduct alleged in Counts I through VII constitutes misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, and interferes with the efficient operation of the Division of Waste Management.

WHEREFORE, the Lexington-Fayette Urban County Government requests that the Civil Service Commission dismiss DeWayne Lewis pursuant to KRS 67A.280 and Section 21-44 of the Code of Ordinances.

Respectfully submitted,



Tracey Thurman, Director
Division of Waste Management



Nancy Albright, Commissioner
Department of Environmental Quality
and Public Works

**LEXINGTON-FAYETTE URBAN COUNTY
CIVIL SERVICE COMMISSION**

In Re: DaJuan Lewis (#055054)
 Resource Recovery Operator
 Division of Waste Management

CHARGES

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FACTUAL SUMMARY

The Lexington-Fayette Urban County Government (LFUCG), by and through its Division of Waste Management, operates a Loan-A-Box program, which makes available a 10-cubic-yard roll off container for the disposal of large amounts of debris to residents using city waste collection services. The Loan-A-Box program is available upon request to LFUCG waste collection customers who reside inside the urban service boundary. Fayette County residents are able to reserve a Loan-A-Box using an electronic form on the LFUCG website and a \$90 fee is due at the time of scheduling. Loan-A-Boxes are scheduled and delivered to residents on a first-come, first-serve basis. As of March 22, 2021, LFUCG does not accept in-person payment by check, cash or money order.

Mr. DaJuan Lewis is a Resource Recovery Operator in the Division of Waste Management, having been employed since July 18, 2016. As a Resource Recovery Operator, his job duties include operating heavy equipment which may include front-end dumpster trucks, rear loaders, automatic side loaders, and other equipment to collect refuse, recycling and yard waste, including Loan-A-Boxes; ensuring collections are made as required by their assigned schedules; inspecting equipment conditions and overall

general conditions visually and electronically per safety requirements pre- and post-trip; completing route sheets, notices and service requests; and supervising Public Service Workers.

Upon receipt of information that Resource Recovery Operators may be utilizing Loan-A-Boxes for uses other than authorized purposes and for personal gain, the Division of Waste Management commenced an investigation into Loan-A-Box program activities. That investigation revealed that, on a significant number of days and in a significant number of incidents between the dates of January 1, 2023, and June 9, 2023, Mr. Lewis delivered Loan-A-Boxes to unauthorized locations, for individuals and businesses who had not scheduled and registered for a Loan-A-Box and had not paid the applicable fee. Mr. Lewis thereafter retrieved the Loan-A-Boxes and disposed of the materials, with the costs of such Loan-A-Box deliveries and disposals being borne by LFUCG. These unauthorized "off-book" deliveries, pick-ups and disposals were not recorded for payment, resulting in both funds being diverted from LFUCG and additional costs being incurred by LFUCG. During the unauthorized "off-book" deliveries, pick-ups and disposals, Mr. Lewis completed his timecard as if he was working for LFUCG during these unauthorized activities, which resulted in theft of time. In the approximate six-month period that was investigated, Mr. Lewis moved Loan-A-Boxes to unauthorized locations over 400 times and claimed over 40 hours worked for non-work related activities. Finally, Mr. Lewis repeatedly failed to complete required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy and repeatedly failed to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy.

Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, is defined as:

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employees ensure that their duties will be covered and they notify a supervisor.

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COUNT I

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, Mr. DaJuan Lewis is

in violation of Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets.*

COUNT II

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, all during work hours, Mr. DaJuan Lewis is in violation of Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization.*

COUNT III

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, and by subsequently falsifying his corresponding time records to report time spent on these activities as work time, Mr. DaJuan Lewis is in violation of Section 8(c) of the Uniform Disciplinary Code: *Misconduct.*

COUNT IV

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, all during work hours, and therefore causing Mr. Lewis to perform his assigned duties in an inappropriate manner, Mr. DaJuan Lewis is in violation of Section 8(d) of the Uniform Disciplinary Code: *Inefficiency.*

COUNT V

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations for personal gain and/or for private or other uses and not for their intended purpose, and by retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense using LFUCG resources, Mr. DaJuan Lewis is in violation of Section 2 of the Uniform Disciplinary Code: *Stealing or Theft.*

COUNT VI

That, by failing to complete the required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy, Mr. DaJuan Lewis is in violation of Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Forms*.

COUNT VII

That, by failing to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy, Mr. DaJuan Lewis is in violation of Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)*.

COUNT VIII


That the conduct alleged in Counts I through VII constitutes misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, and interferes with the efficient operation of the Division of Waste Management.

WHEREFORE, the Lexington-Fayette Urban County Government requests that the Civil Service Commission dismiss DaJuan Lewis pursuant to KRS 67A.280 and Section 21-44 of the Code of Ordinances.

Respectfully submitted,



Tracey Thurman, Director
Division of Waste Management



Nancy Albright, Commissioner
Department of Environmental Quality
and Public Works

**LEXINGTON-FAYETTE URBAN COUNTY
CIVIL SERVICE COMMISSION**

In Re: Avery Johnson (#032060)
Resource Recovery Operator
Division of Waste Management

CHARGES

Comes now the Lexington-Fayette Urban County Government, Division of Waste Management, and charges Avery Johnson with violating the following sections of the Uniform Disciplinary Code: Section 3: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, Section 7: *Leaving Assigned Work Station Without Authorization*, Section 8(c): *Misconduct*, Section 8(d): *Inefficiency*, Section 2: *Stealing or Theft*, Section 15: *Failure to Submit Required or Completed Reports or Forms*, Section 13(b): *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing*, and misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, to-wit:

FACTUAL SUMMARY

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Mr. Avery Johnson is a Resource Recovery Operator in the Division of Waste Management, having been employed since February 23, 2015. As a Resource Recovery Operator, his job duties include operating heavy equipment which may include front-end dumpster trucks, rear loaders, automatic side loaders, and other equipment to collect refuse, recycling and yard waste, including Loan-A-Boxes; ensuring collections are made as required by their assigned schedules; inspecting equipment conditions and overall

general conditions visually and electronically per safety requirements pre- and post-trip; completing route sheets, notices and service requests; and supervising Public Service Workers.

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Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization*, is defined in pertinent part as:

This offense occurs when employees leave the workstation without permission. It includes leaving the workstation to conduct personal business but does not include absence due to a valid emergency, if employees ensure that their duties will be covered and they notify a supervisor.

Section 8(c) of the Uniform Disciplinary Code: *Misconduct* is defined as:

This offense is general in nature and applies when the actions of an employee do not fit within any other specific category. It may be used alone or in conjunction with other infractions. It should be used when an established government, department, or division policy or procedure does not contain a specific penalty.

Section 8(d) of the Uniform Disciplinary Code: *Inefficiency* is defined in pertinent part as:

[T]he failure, neglect, or inability of employees to perform their assigned duties or the performance of their assigned duties is performed in an inappropriate, inadequate, or unsuitable manner. This would include (a) spending their time in excessive personal conversations either on the phone or with others, (b) taking excessive breaks, (c) pushing work assignments off on others, or (d) engaging in any other activity that could cause them to neglect or be inattentive to their duties.

Section 2 of the Uniform Disciplinary Code: *Stealing or Theft*, is defined in part as:

Employees shall use urban county government assets only for their intended purpose in accordance with established government or divisional procedures and shall not take any urban county government assets to sell or for any other use.

Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Form*, is defined as:

Forms and reports that are part of an employee's job duties shall be submitted in accordance with established government, department, or division procedures.

Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)* is defined in pertinent part:

These violations include but are not limited to (a) removal or destruction of safety devices, (b) failure to keep equipment and work areas clean, (c) failure to report unsafe working conditions, or (d) failure to wear safety clothing (e.g. hard hats, safety glasses, steel-toe shoes, etc.)

COUNT I

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books"

Loan-A-Boxes and disposing of their contents at LFUCG's expense, Mr. Avery Johnson is in violation of Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets.*

COUNT II

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, all during work hours, Mr. Avery Johnson is in violation of Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization.*

COUNT III

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, and by subsequently falsifying his corresponding time records to report time spent on these activities as work time, Mr. Avery Johnson is in violation of Section 8(c) of the Uniform Disciplinary Code: *Misconduct.*

COUNT IV

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, all during work hours, and therefore causing Mr. Avery to perform his assigned duties in an inappropriate manner, Mr. Avery Johnson is in violation of Section 8(d) of the Uniform Disciplinary Code: *Inefficiency.*

COUNT V

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations for personal gain and/or for private or other uses and not for their intended purpose, and by retrieving those "off-books" Loan-A-Boxes and disposing of

their contents at LFUCG's expense using LFUCG resources, Mr. Avery Johnson is in violation of Section 2 of the Uniform Disciplinary Code: *Stealing or Theft*.

COUNT VI

That, by failing to complete the required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy, Mr. Avery Johnson is in violation of Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Forms*.

COUNT VII

That, by failing to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy, Mr. Avery Johnson is in violation of Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)*.

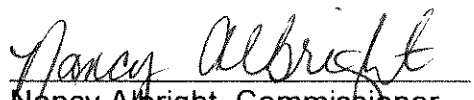
COUNT VIII

That the conduct alleged in Counts I through VII constitutes misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, and interferes with the efficient operation of the Division of Waste Management.

WHEREFORE, the Lexington-Fayette Urban County Government requests that the Civil Service Commission dismiss Avery Johnson pursuant to KRS 67A.280 and Section 21-44 of the Code of Ordinances.

Respectfully submitted,


Tracey Thurman, Director
Division of Waste Management


Nancy Albright, Commissioner
Department of Environmental Quality
and Public Works

**LEXINGTON-FAYETTE URBAN COUNTY
CIVIL SERVICE COMMISSION**

In Re: Franklin Bond (#041715)
Resource Recovery Operator
Division of Waste Management

CHARGES

Comes now the Lexington-Fayette Urban County Government, Division of Waste Management, and charges Franklin Bond with violating the following sections of the Uniform Disciplinary Code: Section 3: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, Section 7: *Leaving Assigned Work Station Without Authorization*, Section 8(c): *Misconduct*, Section 8(d): *Inefficiency*, Section 2: *Stealing or Theft*, Section 15: *Failure to Submit Required or Completed Reports or Forms*, Section 13(b): *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing*, and misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, to-wit:

FACTUAL SUMMARY

The Lexington-Fayette Urban County Government (LFUCG), by and through its Division of Waste Management, operates a Loan-A-Box program, which makes available a 10-cubic-yard roll off container for the disposal of large amounts of debris to residents using city waste collection services. The Loan-A-Box program is available upon request to LFUCG waste collection customers who reside inside the urban service boundary. Fayette County residents are able to reserve a Loan-A-Box using an electronic form on the LFUCG website and a \$90 fee is due at the time of scheduling. Loan-A-Boxes are scheduled and delivered to residents on a first-come, first-serve basis. As of March 22, 2021, LFUCG does not accept in-person payment by check, cash or money order.

Mr. Franklin Bond is a Resource Recovery Operator in the Division of Waste Management, having been employed since June 30, 2003. As a Resource Recovery Operator, his job duties include operating heavy equipment which may include front-end dumpster trucks, rear loaders, automatic side loaders, and other equipment to collect refuse, recycling and yard waste, including Loan-A-Boxes; ensuring collections are made as required by their assigned schedules; inspecting equipment conditions and overall

general conditions visually and electronically per safety requirements pre- and post-trip; completing route sheets, notices and service requests; and supervising Public Service Workers.

Upon receipt of information that Resource Recovery Operators may be utilizing Loan-A-Boxes for uses other than authorized purposes and for personal gain, the Division of Waste Management commenced an investigation into Loan-A-Box program activities. That investigation revealed that, on a significant number of days and in a significant number of incidents between the dates of January 1, 2023, and June 9, 2023, Mr. Bond delivered Loan-A-Boxes to unauthorized locations, for individuals and businesses who had not scheduled and registered for a Loan-A-Box and had not paid the applicable fee. Mr. Bond thereafter retrieved the Loan-A-Boxes and disposed of the materials, with the costs of such Loan-A-Box deliveries and disposals being borne by LFUCG. These unauthorized "off-book" deliveries, pick-ups and disposals were not recorded for payment, resulting in both funds being diverted from LFUCG and additional costs being incurred by LFUCG. During the unauthorized "off-book" deliveries, pick-ups and disposals, Mr. Bond completed his timecard as if he was working for LFUCG during these unauthorized activities, which resulted in theft of time. In the approximate six-month period that was investigated, Mr. Bond moved Loan-A-Boxes to unauthorized locations over 200 times and claimed over 70 hours worked for non-work related activities. Finally, Mr. Bond repeatedly failed to complete required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy and repeatedly failed to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy.

Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets*, is defined as:

Employees shall utilize urban county government assets only for their intended purpose in accordance with established government or divisional procedures and shall not intentionally abuse, damage, or lose through negligence any urban county government asset.

Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization*, is defined in pertinent part as:

This offense occurs when employees leave the workstation without permission. It includes leaving the workstation to conduct personal business but does not include absence due to a valid emergency, if

employees ensure that their duties will be covered and they notify a supervisor.

Section 8(c) of the Uniform Disciplinary Code: *Misconduct* is defined as:

This offense is general in nature and applies when the actions of an employee do not fit within any other specific category. It may be used alone or in conjunction with other infractions. It should be used when an established government, department, or division policy or procedure does not contain a specific penalty.

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Forms and reports that are part of an employee's job duties shall be submitted in accordance with established government, department, or division procedures.

Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)* is defined in pertinent part:

These violations include but are not limited to (a) removal or destruction of safety devices, (b) failure to keep equipment and work areas clean, (c) failure to report unsafe working conditions, or (d) failure to wear safety clothing (e.g. hard hats, safety glasses, steel-toe shoes, etc.)

COUNT I

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those "off-books" Loan-A-Boxes and disposing of their contents at LFUCG's expense, Mr. Franklin Bond is

in violation of Section 3 of the Uniform Disciplinary Code: *Intentional or Deliberate Destruction or Unauthorized Use of Urban County Government Assets.*

COUNT II

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, all during work hours, Mr. Franklin Bond is in violation of Section 7 of the Uniform Disciplinary Code: *Leaving Assigned Work Station Without Authorization.*

COUNT III

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, and by subsequently falsifying his corresponding time records to report time spent on these activities as work time, Mr. Franklin Bond is in violation of Section 8(c) of the Uniform Disciplinary Code: *Misconduct.*

COUNT IV

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations, where Loan-A-Box deliveries to those locations had not been scheduled, paid for, and authorized by LFUCG, and then retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense, all during work hours, and therefore causing Mr. Bond to perform his assigned duties in an inappropriate manner, Mr. Franklin Bond is in violation of Section 8(d) of the Uniform Disciplinary Code: *Inefficiency.*

COUNT V

That, by repeatedly delivering Loan-A-Boxes at unauthorized times to unauthorized locations for personal gain and/or for private or other uses and not for their intended purpose, and by retrieving those “off-books” Loan-A-Boxes and disposing of their contents at LFUCG’s expense using LFUCG resources, Mr. Franklin Bond is in violation of Section 2 of the Uniform Disciplinary Code: *Stealing or Theft.*

COUNT VI

That, by failing to complete the required pre- and post-inspection reports pursuant to the Pre- and Post-Trip Inspection Policy, Mr. Franklin Bond is in violation of Section 15 of the Uniform Disciplinary Code: *Failure to Submit Required or Completed Reports or Forms*.

COUNT VII


That, by failing to complete the required pre- and post-inspections pursuant to the Pre- and Post-Trip Inspection Policy, Mr. Franklin Bond is in violation of Section 13(b) of the Uniform Disciplinary Code: *Failure to Observe Safety Procedures; Failure to Wear Protective Clothing – (Class B – Less Serious Not Life Threatening)*.


COUNT VIII

That the conduct alleged in Counts I through VII constitutes misconduct and inefficiency within the meaning of KRS 67A.280 and Section 21-44 of the Code of Ordinances, and interferes with the efficient operation of the Division of Waste Management.

WHEREFORE, the Lexington-Fayette Urban County Government requests that the Civil Service Commission dismiss Franklin Bond pursuant to KRS 67A.280 and Section 21-44 of the Code of Ordinances.

Respectfully submitted,


Tracey Thurman, Director
Division of Waste Management


Nancy Albright, Commissioner
Department of Environmental Quality
and Public Works

NOTICE OF SERVICE

The foregoing charges against Franklin Bond are being filed this 15th day of June, 2023, with Linda Gorton, Mayor.



ATTORNEY FOR COMPLAINANTS

NOTICE OF FILING

The appointing authority having reviewed the foregoing charges against Franklin Bond and having determined that probable cause exists to justify his removal, hereby prefers the foregoing charges and files same this 16th day of June, 2023 with Tamara Walters, Director, Division of Human Resources and Alisha Lyle, Secretary, Civil Service Commission.



LINDA GORTON, MAYOR