

Charles Hurst

From: Charles Hurst
Sent: Tuesday, September 27, 2022 5:18 PM
To: John Alvarez
Subject: RE: Order of Discipline

Yes, sir.

Thank you,

Charles Hurst, SPHR, IPMA-SCP, SHRM-SCP
Director of Human Resources
churst@odessa-tx.gov

City of Odessa
411 W. 8th Street, Suite 104
(P) 432-335-4158 (F) 432-335-3269



From: John Alvarez <jalvarez@odessa-tx.gov>
Sent: Tuesday, September 27, 2022 5:16 PM
To: Charles Hurst <churst@odessa-tx.gov>
Subject: RE: Order of Discipline

Charles are you in concurrence with the order?

From: Charles Hurst <churst@odessa-tx.gov>
Sent: Tuesday, September 27, 2022 8:20 AM
To: John Alvarez <jalvarez@odessa-tx.gov>
Subject: RE: Order of Discipline

Thank you, Chief

Thank you,

Charles Hurst, SPHR, IPMA-SCP, SHRM-SCP
Director of Human Resources
churst@odessa-tx.gov

City of Odessa
411 W. 8th Street, Suite 104
(P) 432-335-4158 (F) 432-335-3269



ODESSA TEXAS

From: John Alvarez <jalvarez@odessa-tx.gov>
Sent: Monday, September 26, 2022 5:24 PM
To: Charles Hurst <churst@odessa-tx.gov>; Jan Baker <jbaker@odessa-tx.gov>
Subject: Order of Discipline

Good Evening, Ladies and Gentlemen, attached you will find the Order of Discipline for Chief Moya. I heard his testimony and have taken all other facts concerning this case into account. This is my decision. Thanks, John.

John Alvarez, CFO, EFO, CPM,
Fire Chief
City of Odessa Fire Rescue
1100 W. 2nd Street
Odessa, Texas 79763
jalvarez@odessa-tx.gov
C: (432) 238-6045
O: (432) 257-0507

Odessa Fire Rescue Investigation Summary

To: Chief Alvarez
From: Asst. Chief Ortega
Date: September 8, 2022
Subject: Investigation of Mistreatment of Cadets

Summary

On Friday August 19, 2022 Chief Alvarez noticed a cadet had his hands wrapped, so he asked him what was going on. The cadet showed Chief Alvarez blisters on his hands and advised him this occurred during PT training. Chief Alvarez then noticed that other cadets had similar blisters. After seeing the blisters, Chief Alvarez asked Training Captain Norred about this, and Captain Norred did not elaborate on what took place. Chief Alvarez made me aware of this and asked me if I would investigate the incident and figure out what happened.

I knew that the cadets had worked out with Central B-Shift crew on Thursday and Friday August 18th and 19th, and I assumed this occurred during this workout. I waited for the central officer, Captain Yocham, to arrive from a call and I met with him about this. He advised that the blisters were prior to his workout with the cadets. I was then made aware that Chief Moya had worked out the cadets on Tuesday and Wednesday of that week. Chief Moya was off and out of town, so I decided to wait until Monday to speak with him.

On Monday August 22nd we received notice that several cadets had spoken to Captain Moody and to others in the department about how they were upset about feeling mistreated the previous week. As we received more information, I decided that I needed to meet with the cadets to see the full details of what took place.

Chief White, Chief Huber, and I started interviews about 3:00pm on Monday August 22nd. Chief Huber and Chief White had to leave town the next day, so interviews continued with the cadets by Chief Alvarez and myself. During these interviews it was made apparent to me that the cadets were upset with the overall treatment of the week of August 16-19th. They felt this all began because Captain Norred overreacted about not getting volunteers for an assignment he had and expressed that he felt disrespected. The cadets feel that this led to punishment all week by Chief Moya and later the Central B-shift crew.

During our investigation, we focused on the incident that caused the injuries and tried to determine if we had any underlying issues or if it was an isolated incident that caused the injuries.

The following lists a consensus of my findings after interviewing all the cadets:

- Most cadets felt like the PT, physical training, done on Tuesday through Friday was punishment for them not volunteering for extra duty when asked by Captain Norred. They also felt like it was compounded by them not accepting Captain Norred's invitation to run with him and by a cadet being tardy.
- Most cadets felt like they were being categorized as lazy and unwilling to help. They felt like they were placed in a bad light and that this sentiment was pushed to central crews as well.
- There was a feeling that they were being portrayed as a group of cadets that were not as good as previous cadets and that they were not hard workers.
- Most cadets also felt like there was intent to punish with a hard workout.
- Most cadets also felt like they had not previously encountered any mistreatment from Chief Moya. Most agreed that they felt Chief Moya intentionally wanted to punish them for not volunteering.
- Most cadets also felt that Captain Norred was very hard to get along with, he was unapproachable. Several said they would not go to him for anything because of how he reacts. Several also stated that he had several bad interactions with various cadets, including incidents where they felt belittled, they were yelled at and cursed at.
- All cadets agreed that Captain Moody and Captain Chavez were nothing but good to them, always helped them and were good trainers.
- Most cadets felt like they do at times get hazed by a few personnel on shift. Most cadets did not feel like this was the majority of their interaction only isolated incidents.
- Most cadets felt like Central B-Shift was out to prove to them that they were not doing well as cadets and needed to be punished by PT.
- Central B-Shift crew said things to the cadets that made them feel uncomfortable and belittled.
- Most agreed that their overall experience has not been bad. Most felt like this all stemmed from the incident on August 16th, when Captain Norred asked for volunteers.

The following are statements that were concerning to hear as we interviewed:

- It feels like Captain Norred is always up to something when he talks to us.
- Captain Yocham knocked down a cadet because he was trying to beat him down the tower.
- Chief Moya made a comment about now it looks like you have been working, after seeing blisters on their hands.

- A few cadets have been cursed at by Captain Norred.
- Captain Norred is hard to get along with. Depends on what mood he's in as to how he acts.
- Captain Norred doesn't help he just says you should know this already.
- We have to walk on eggshells around Captain Norred.
- The entire department sees us as lazy and unwilling to help because of what took place during this week.

During the investigation the entire training division was interviewed. I attempted to figure out what took place during the week in question and what is the overall view of the cadet program from their point of view. This is a summary of their interviews:

Chief Moya

- Chief Moya stated he did not use PT to punish, he was working group out because Captain Moody was on vacation, and they planned this.
- He did not think the workout would lead to blisters.
- He was remorseful for the injuries and for his inappropriate tone and language during his lecture.
- He feels the cadet program does need restructuring and more organization.
- He knew nothing about the workouts with Central B-shift.
- He felt like Captain Norred was making progress on how he treats people.

Captain Chavez

- Chavez did not know much about what took place during the week.
- He did witness the lecture and spoke to Chief Moya about it. Chief Moya was remorseful about language and tone during their meeting.
- Overall view of cadet program is it needs work, he needs to more engaged.

Captain Norred

- Norred does not think anything was wrong with what took place.
- He feels like Chief Moya has been given too many free passes for his actions.
- He thinks cadets need more hard structure.
- He feels like he motivates cadets by being hard on them because everyone else is too easy on them.

Captain Moody

- Moody has more interaction with cadets than anyone.
- Moody feels that they are a good group of cadets.
- He notices Norred's interactions with cadets and feels uncomfortable with it.
- He feels Chief Moya does not engage enough with training.
- Chief Moya will not agree to changes he wants to make so he gets stalled out.

Cadets had a lot to say about their interaction with Central B-Shift during the workouts on Thursday and Friday of the week in question. Here is the summary of my interview with Captain Yocham:

Captain Yocham

- Captain Yocham was trying to motivate the cadets.
- He attempted to get a spark out of them with a hard workout.
- He used inappropriate techniques to motivate.
- He stated he was unaware his crew was speaking inappropriately.
- Captain was racing down the stairs and brushed past a cadet, pushing him backwards.

Overall, there are several things that need to be addressed:

- The cadets that suffered blisters to their hands during PT.
- The attitude and mistreatment of cadets on a regular basis by Captain Norred.
- Two supervisors who failed to do injury reports, Chief Moya and Captain Norred.
- Inappropriate language by Chief Moya and Captain Norred during different lectures with cadets.
- Restructuring of how the cadet program operates, needs better organization and scheduling.
- Captain Yocham misuse of PT to motivate and his crew hazing or belittling of the cadets.

In my findings I do not think Chief Moya intentionally injured any cadets. He was however negligent as a supervisor for his actions that led to the injuries. Chief Moya was also out of line with some of the language used and tone used to lecture the cadets for what he considered lack of motivation. As a supervisor he knows that discipline should correct an action. He also knows that cursing is inappropriate and should not be used to address subordination. Chief Moya did, on his own, apologize to the cadets for his actions that led to the injuries and for his lecture that was inappropriate. This does not absolve him of his actions but should be taken into consideration during discipline. Chief Moya also should have addressed the injuries by filing out injury paperwork and having the cadets seek medical attention if needed.

In my findings I think Captain Norred has a problem with abuse of authority. He does not have a good understanding of how to relate to employees. Captain Norred has a strict and overbearing management style that does not align with the current workforce, and it is hindering his ability to work with the cadets. Captain Norred's managing style is not working and needs to be changed. He is creating a difficult environment for newer cadets and other employees. Captain Norred also should have addressed the injuries by filing out injury paperwork and having the cadets seek medical attention if needed.

In my findings I think Captain Yocham did appear to single out a cadet, Kevin, for his tardiness. He did not follow SOG for tardiness. In my findings, I do not think Captain Yocham himself was out of line with PT but the timing of this did make the cadets feel as though they were being punished by Captain Yocham. He was negligent as a supervisor by not stopping his crew from making inappropriate comments to the cadets. Captain Yocham should also know that we do not use PT as a punishment. Two individuals from his crew were singled out by the cadets as the individuals who lead the inappropriate comments, Bryce Smith and Ben Denny.

All interviews were recorded and are available for review.

Violation:

Chief Moya violated the following policies:

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

*(G) Safety violations are exemplified by, but are not limited to, the following violations:
(8) endangering of one's own safety or that of others by careless or irresponsible actions or negligence*

*(L) Disturbance is exemplified by, but is not limited to, the following violations:
(5) use of profane, abusive, threatening, or loud and boisterous language*

Odessa Fire Rescue Standard Operating Procedures

Vehicle Accidents, Employee Injuries and Damaged or Lost Equipment 100.06

To identify the proper procedure when in an employee is involved in an injury, an accident/incident or the damage/loss of city equipment.

Notify your immediate supervisor and the Battalion Chief within two (2) hours of an injury, accident/incident or damage/loss of city equipment. Drug testing will follow City of Odessa policies (Section 6.103).

My recommendation is a written reprimand with time off for safety violation, Disturbance and failure to report injury.

Captain Norred violated the following policies:

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

(L) Disturbance is exemplified by, but is not limited to, the following violations:

(5) use of profane, abusive, threatening, or loud and boisterous language

(3) intimidation;

(7) other disruption of the harmonious relations among employees or between employees and the public

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Notify your immediate supervisor and the Battalion Chief within two (2) hours of an injury, accident/incident or damage/loss of city equipment. Drug testing will follow City of Odessa policies (Section 6.103).

My recommendation is a written reprimand for the Disturbance, abusive language and ongoing intimidation practices and failure to document an injury.

Captain Yocham violated the following policy:

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

(L) Disturbance is exemplified by, but is not limited to, the following violations:

(7) other disruption of the harmonious relations among employees or between employees and the public.

My recommendation for Captain Yocham is a written reprimand for his negligence in supervision over his crews' actions. My recommendation for Bryce Smith and Ben Denny is to have their Battalion Chief address their actions.

Assistant Chief _____ Date: _____

cc: Director of Human Resources, Charles Hurst
Legal, Jan Baker
File

Appendix:

Individuals recorded.

Nolberto Aguirre
Brandon Alvarado
Diego Salgado
Emmanuel Lopez
Jesus Gonzalez
Joseph Westerman
Jovan Fuselier
JT Cotton
Julian Salinas
Kevin Terrazas
Miguel Magallanes
Moises Cruz-Lopez
Robert Lopez
Samuel Zubia
Tyler Wells
Xavier Trevino
Marty Moya
Daniel Chavez
Kris Norred
Will Moody
Austin Yocham

Odessa Fire Rescue



To: Training Chief Marty Moya
From: Fire Chief John Alvarez
Date: September 30, 2022
Subject: Order of Discipline

After my review of all evidence, the summary, and the Pre-disciplinary Hearing with Training Chief Marty Moya, I have concluded that you have violated the following:

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

(G) Safety violations are exemplified by, but are not limited to, the following violations: (8) endangering of one's own safety or that of others by careless or irresponsible actions or negligence

(L) Disturbance is exemplified by, but is not limited to, the following violations:

(5) use of profane, abusive, threatening, or loud and boisterous language

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To identify the proper procedure when in an employee is involved in an injury, an accident/incident or the damage/loss of city equipment.

Notify your immediate supervisor and the Battalion Chief within two (2) hours of an injury, accident/incident or damage/loss of city equipment. Drug testing will follow City of Odessa policies (Section 6.103).

For this violation you will be suspended five days without pay. Your supervisor will determine the time frame for this suspension. Any further violations of City policies can result in progressive discipline up to and including termination.

I certify that I have received a copy of this Order of Discipline on September 30, 2022.

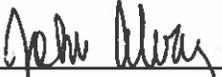


Name

9/30/2022

Date

Witness (in lieu of signature)



Fire Chief John Alvarez

Date

9-30-2022

Date

Cc: Director of Human Resources Charles Hurst
City Attorney Office Jan Baker
Employee File

Odessa Fire Rescue

To: Training Chief Marty Moya
From: Chief Ortega
Date: September 15, 2022
Subject: Pre-Disciplinary Hearing

This letter is a written notification of the pre-disciplinary hearing concerning your employment with the Odessa Fire Rescue.

The hearing will be at // hours in the conference room on 9/23, located at 1100 W. 2nd Street in the Odessa Fire Rescue Administrative building.

You are hereby given the opportunity to present reasons, either in person or writing, why discipline should not be taken against you.

You will be given a written notice of the charges against you, and an explanation of the City's evidence. You will then have an opportunity to present your side of the story by responding orally and/or in writing to the charges directly to Fire Chief John Alvarez. He will then make the decision regarding disciplinary action.

Specifically: In my findings I do not think Chief Moya intentionally injured any cadets. He was however negligent as a supervisor for his actions that led to the injuries. Chief Moya was also out of line with some of the language used and tone used to lecture the cadets for what he considered lack of motivation. As a supervisor he knows that discipline should correct an action. He also knows that cursing is inappropriate and should not be used to address subordination. Chief Moya did, on his own, apologize to the cadets for his actions that led to the injuries and for his lecture that was inappropriate. This does not absolve him of his actions but should be taken into consideration during discipline. Chief Moya also should have addressed the injuries by filing out injury paperwork and having the cadets seek medical attention if needed.

If substantiated the following violations were found.

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101
(G) Safety violations are exemplified by, but are not limited to, the following violations:
(8) endangering of one's own safety or that of others by careless or irresponsible actions or negligence

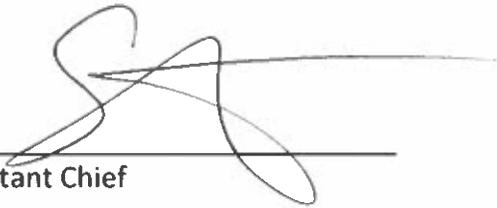
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Odessa Fire Rescue Standard Operating Procedures

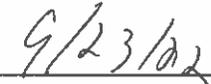
Vehicle Accidents, Employee Injuries and Damaged or Lost Equipment 100.06

To identify the proper procedure when in an employee is involved in an injury, an accident/incident or the damage/loss of city equipment.

Notify your immediate supervisor and the Battalion Chief within two (2) hours of an injury, accident/incident or damage/loss of city equipment. Drug testing will follow City of Odessa policies (Section 6.103).

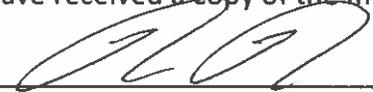


Assistant Chief

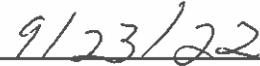


Date

I have received a copy of the memo.



Date



Date

Witness

Date

Cc: Charles Hurst, Director of Human Resources
Jan Baker, Legal
File

Odessa Fire Rescue

To: Training Captain Kris Norred
From: Asst. Chief Saul Ortega
Date: September ²⁷~~23~~, 2022
Subject: Pre-Disciplinary Hearing



This letter is a written notification of the pre-disciplinary hearing concerning your employment with the Odessa Fire Rescue.

The hearing will be at 8:15am hours in the conference room on September 27, 2022, located at 1100 W. 2nd Street in the Odessa Fire Rescue Administrative building.

You are hereby given the opportunity to present reasons, either in person or writing, why discipline should not be taken against you.

You will be given an oral or written notice of the charges against you, and an explanation of the City's evidence. You will then have an opportunity to present your side of the story by responding orally and/or in writing to the charges directly to Fire Chief John Alvarez. He will then make the decision regarding disciplinary action.

Specifically: Captain Norred does not have a good understanding of how to relate to our current employees. Captain Norred has a strict and overbearing management style that does not align with the current workforce, and it is hindering his ability to work with the cadets. Captain Norred's managing style is not working and needs to be changed. He is creating a difficult environment for newer cadets and other employees. Captain Norred also should have addressed the injuries by filing out injury paperwork and having the cadets seek medical attention if needed

If substantiated the following violations were found.

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

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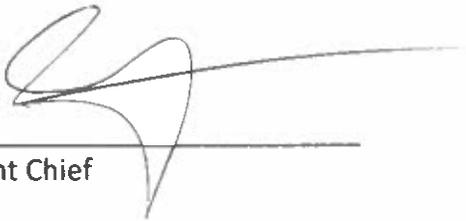
(3) intimidation;

(7) other disruption of the harmonious relations among employees or between employees and the public

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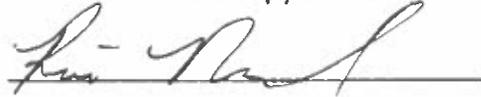


Assistant Chief

9/27/22

Date

I have received a copy of the memo.



Witness

9/27/2022

Date

Witness

Date

Cc: Charles Hurst, Director of Human Resources
Jan Baker, Legal
File

Odessa Fire Rescue

To: Training Captain Kris Norred
From: Fire Chief John Alvarez
Date: October 12, 2022
Subject: Order of Discipline



Specifically: Captain Norred does not have a good understanding of how to relate to our current employees. Captain Norred has a strict and overbearing management style that does not align with the current workforce, and it is hindering his ability to work with the cadets. Captain Norred's managing style is not working and needs to be changed. He is creating a difficult environment for newer cadets and other employees. Captain Norred also should have addressed the injuries by filing out injury paperwork and having the cadets seek medical attention if needed

After my review of all the evidence, the summary, interviews with Cadets and others in the Training Division. Captain Norred, I have concluded that you have violated the following:

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

(1) Disturbance is exemplified by, but is not limited to, the following violations:

(5) use of profane, abusive, threatening, or loud and boisterous language

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Notify your immediate supervisor and the Battalion Chief within two (2) hours of an injury, accident/incident, or damage/loss of city equipment. Drug testing will follow City of Odessa policies (Section 6.103).

For this violation, you will be issued a written reprimand that will go into your personnel file. You will be required to seek training on how to treat/relate to employees. This training will be assigned with the assistance of Human Resources. You will need to document completion of this training. Your supervisor will allow you the time to invest in this type of training. Our employees are the most important asset in this department. The Training Division is the initial experience for these personnel coming into this department. How we treat our employees will determine if they stay and invest in this department or seek employment elsewhere. It is important today that we treat our employees with dignity and the respect they deserve. Any further violations of City policies can result in progressive discipline up to and including termination.

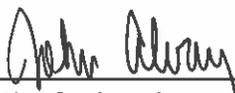
I certify that I have received a copy of this Order of Discipline on October 12, 2022.


Name

10/12/2022
Date

Witness (in lieu of signature)

Date


Fire Chief John Alvarez

12 OCT 2022
Date

Cc: Charles Hurst, Director of Human Resources
Jan Baker, Legal
File

Odessa Fire Rescue

To: Captain Austin Yocham
From: Asst. Chief Saul Ortega
Date: September 15, 2022
Subject: Pre-Disciplinary Hearing

This letter is a written notification of the pre-disciplinary hearing concerning your employment with the Odessa Fire Rescue.

The hearing will be at _____ hours in the conference room on _____, located at 1100 W. 2nd Street in the Odessa Fire Rescue Administrative building.

You are hereby given the opportunity to present reasons, either in person or writing, why discipline should not be taken against you.

You will be given an oral or written notice of the charges against you, and an explanation of the City's evidence. You will then have an opportunity to present your side of the story by responding orally and/or in writing to the charges directly to Fire Chief John Alvarez. He will then make the decision regarding disciplinary action.

Specifically: In my findings I think Captain Yocham did appear to single out a cadet, Kevin, for his tardiness. He did not follow SOG for tardiness. In my findings, I do not think Captain Yocham himself was out of line with PT but the timing of this did make the cadets feel as though they were being punished by Captain Yocham. He was negligent as a supervisor by not stopping his crew from making inappropriate comments to the cadets. Captain Yocham should also know that we do not use PT as a punishment.

If substantiated the following violations were found.

The City of Odessa Personnel Policies and Procedures Handbook, Sec 6.101

*(L) Disturbance is exemplified by, but is not limited to, the following violations:
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Assistant Chief

Date

I have received a copy of the memo.

Date

Witness

Date

Cc: Charles Hurst, Director of Human Resources
Jan Baker, Legal
File