



Amtrak Police Labor Committee

10 Station Place Suite 17 Metuchen, NJ 08840

MEMBER FORM

F.O.P. Case No. FOP-2019-PHL004	Date 3/24/2019
Dept. Case No. 18-002252	Division PHL
Type <input type="checkbox"/> Grievance - Rule 5 <input checked="" type="checkbox"/> Discipline Appeal - Rule 34	Date Hired 10/14/2013
Reporting Location MADN	Employee No. [REDACTED]
Member's Name [REDACTED]	Rank PO
Member's Address On File with FOP	
Commanders Name Deputy Chief M. Powers	

1. Member's Statement of Grievance: Describe in detail the action giving rise to the complaint. Specify names, dates, classification, place, and site of violation, etc.

On February 15, 2018, at the end of his tour, Sergeant Frank McCann instructed Officer [REDACTED] to complete a memo detailing his and Officer [REDACTED] interaction with a suspect, later identified as [REDACTED] who claimed he was assaulted by Officer [REDACTED] at Amtrak's 30th Street Station on February 15, 2018. Officer [REDACTED] based on his recollection of the event at the time, force was not used during the encounter.

On February 23, 2018 Officer [REDACTED] was notified by memo from Captain Scott Oncay that he is the subject of a confidential investigation concerning the events that occurred on February 15, 2018. Officer [REDACTED] was also instructed to appear on February 24, 2018 for an interview with Captain Oncay.

During his interview, Officer [REDACTED] explained that he did see Officer [REDACTED] move Rogers into the corner. Officer [REDACTED] continues to explain that R [REDACTED] was in Officer [REDACTED] face and that he believed that R [REDACTED] may pose a threat to Officer [REDACTED]. When asked by Captain Oncay, Officer [REDACTED] explained that [REDACTED] Officer [REDACTED] strike R [REDACTED]. Further, Officer [REDACTED] even contacted his Supervisor that evening, Sergeant Frank McCann as Rogers wanted to file a complaint. It is important to note that R [REDACTED] never informed [REDACTED] that he sustained any injuries nor did he request medical assistance. Admittedly during the interview, Officer [REDACTED] accepted responsibility that proper reporting procedures should have been followed that evening.

On March 6, 2019 Officer [REDACTED] was issued a Notice of Intent to Discipline directing him to appear for a disciplinary conference on March 13, 2019 at the office of Captain O'Connell. The notice contains several policy violations that the FOP asserts are misplaced, more specifically APD Operational Guide 320 - Trust and Amtrak's Standards of Excellence Trust and Honesty. Officer [REDACTED] was forthright during his interview with Captain Oncay and accepted responsibility for his actions.

At the conclusion of the disciplinary conference, Officer [REDACTED] was issued a thirty (30) day suspension without pay. Based on the circumstances, the FOP asserts that a thirty (30) day suspension is arbitrary and capricious and severely lacks just cause as required by Rule 34 - Discipline. This is not a case where an employee has

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manufactured his own version of events in an attempt to misguide the investigation to avoid discipline. When questioned by Captain Oncay, Officer [REDACTED] was candid with his responses and understood that his actions on February 15, 2018 were a violation of policy. For the department to impose such a harsh discipline causes the FOP to wonder, how cooperative should an officer and the FOP be during an investigation? Officer [REDACTED] is a five (5) year veteran with APD with an unblemished service record.

The FOP views the department's stringent level of discipline as improper and a gross disregard of just-cause.

2. Specify the Article(s) of the Agreement which support the claim.

Rule 34: Discipline

3. What is the remedy and/or relief sought.

Immediately rescind Officer [REDACTED] thirty (30) day suspension

Amend the Notice to Impose Discipline issued on March 6, 2019, removing the violations of APD OG 320 Trust and Standards of Excellence Trust and Honesty.

Cease and desist from issuing a thirty (30) day suspension when a lesser penalty can be imposed.

This grievance is subject to modification by the grieving parties at any time.

I hereby authorize the F.O.P. Lodge 189 Labor Committee to act for me in the disposition and settling of this grievance.

Members Name: [REDACTED]

Member's Signature: Click here to enter text.

Submitted on behalf of the member(s)

Duly Accredited Representative

Name & Title: William Gonzalez, President

Signature: 

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