

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

WILLIAM SWANN
DIRECTOR-CHIEF

NASHVILLE FIRE DEPARTMENT
P.O. Box 196332
NASHVILLE, TN 37219-6332
(615) 862-5421

April 14, 2022

Joshua L. Lipscomb
[REDACTED]

Mr. Lipscomb,

On Friday, March 18, 2022, you called and reported that you were sick and would be unable to work your assigned shift. Because of your insufficient leave balance (less than 10 sick days), you are required to submit a doctor's note for your absence. On four separate occasions, your Chief has requested a doctor's note from you, and you still have not submitted one.

On Friday, April 1, 2022, you sent a text to Chief Moreland asking about the proper procedure for COVID-19/ COVID-19 testing, and if you were tested, whether you would need to be off work. You advised that you were going to be tested for COVID-19. You also asked how your time would be carried, and you were informed that you would be on sick leave unless your COVID-19 test came back positive, at which time it would convert to IOD leave. Accordingly, you were placed on sick leave for your next scheduled shift, April 2, 2022. Subsequently, NFD learned that on the same day you were off work on sick leave awaiting on the results of your COVID-19 test, you had an event planned called "Sips, Strokes and Jokes" and charged \$50 per ticket. On April 11, 2022, you had a meeting with District Chief McBroom, which Captain Marlin also witnessed, wherein Chief Moreland questioned you about the April 2nd event that you attended while on sick leave. You did not deny attending the event.

NFD has previously counseled you on your use of sick leave and placed you on a performance improvement plan to bring your leave balance to an acceptable level. Subject to exceptions not applicable here, NFD's Sick Leave OPG prohibits NFD employees who are using sick leave from engaging in other employment and requires them to remain at home unless a physician authorizes otherwise. It states in part:

Members of the department on sick or injury leave, when not hospitalized, shall remain at home, unless authorized by their physician to engage in other activities. . . . It is recognized that certain illnesses and injuries require a period of convalescence. It is the individual's responsibility to advise the on-duty Assistant Chief of this; however, no one will be permitted to pursue another job in any capacity while on sick or injury leave. g) Members of the department, while on a single day of sick /injury leave, shall remain at home and not engage themselves in any type of employment.

The NFD has also distributed three separate General Order Memos with the process and guidelines for COVID testing. These memos state: "NFD members tested for COVID-19 – MUST remain at home on self-isolation until test results return." See attached copies of MEMO 20-037, MEMO 20-048, and MEMO 20-078. As an NFD Firefighter/EMT, and through the departmental policy and procedures, you were fully aware of the potential danger and exposure to individuals and their families by failing to self-isolate while awaiting COVID-19 test results. Your actions in attending a public event while you were off work on sick leave awaiting these test results was not only a violation of NFD policy, but also a blatant disregard for the health, safety, and welfare of the public and residents of Davidson County.

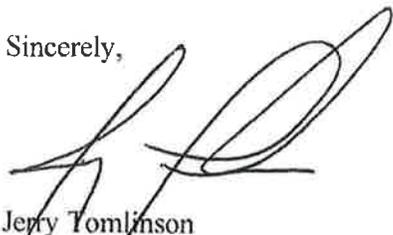
Based on this information, you are alleged to have violated the following rules:

- Civil Service Section 4.7 Sick Leave, (D)
- Civil Service Rule 6.7 Grounds for Disciplinary Action
 - #11 Violation of any written rules, policies or procedures of the department of which the employee is employed:
 - OPG 1-03 Specific Procedures, Use of Sick Leave (f) and (h)
 - Request for Sick Leave, (#7)
 - General Order Memo – 20-037, 20-048, 20-078
 - #32 Any failure of good behavior which reflects discredit upon himself, the department and/or Metropolitan Government.
 - #33 Conduct unbecoming an employee of the Metropolitan Government

A disciplinary meeting is scheduled for April 26, 2022, at 09:00 a.m., in the Gold Conference Room, located at NFD Headquarters. The purpose of this meeting is to allow you or your representative to present your account of the events and review the information regarding this incident. The meeting is informal. You may present statements, witnesses, or any other information regarding the charges. Attendance and participation by persons other than the panel members, you, your representative, and witnesses shall be at the discretion of the panel chairperson. You can obtain any documents and/or statements made by witnesses regarding the charges prior to the meeting, unless prohibited by law.

If you wish to waive your right to this meeting, you must notify Jamie Summers of the NFD Human Resources Division (615-862-5242) prior to the meeting and no later than Friday, April 22, 2022. A decision will be made within ten (10) calendar days after the meeting or after receiving notification of your request to waive the meeting.

Sincerely,



Jerry Tomlinson
Deputy Director of Fire Operations

cc: Jamie Summers, Human Resources Manager
Personnel File

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

WILLIAM SWANN
DIRECTOR-CHIEF

NASHVILLE FIRE DEPARTMENT
P.O. BOX 196332
NASHVILLE, TN 37219-6332
(615) 862-5421

May 2, 2022

Joshua L. Lipscomb
[REDACTED]

Mr. Lipscomb,

A disciplinary hearing was held on Tuesday April 26, 2022 before a panel. After reviewing the information presented to the panel during your disciplinary hearing, the panel found you guilty of violating the following charges:

- Civil Service Section 4.7 Sick Leave, (D)
- Civil Service Rule 6.7 Grounds for Disciplinary Action
 - #11 Violation of any written rules, policies or procedures of the department of which the employee is employed:
 - OPG 1-03 Specific Procedures, Use of Sick Leave (f) and (h)
 - Request for Sick Leave, (#7)
 - General Order Memo – 20-037, 20-048, 20-078
 - #32 Any failure of good behavior which reflects discredit upon himself, the department and/or Metropolitan Government.
 - #33 Conduct unbecoming an employee of the Metropolitan Government

Maintaining public confidence is a key principle of being a Firefighter with this department. As a first responder you should be aware of the risk involved when failing to properly quarantine after being tested for Covid 19 and hosting an event where you are potentially placing the public at risk to contract the virus. In addition, you still have failed to comply with your District Chief's request to provide a sick note for the occurrence on March 18, 2022.

Based on the panel's findings and weighing these factors, a disciplinary measure of an eleven (11) day suspension is being imposed for the charges listed above. You will also be required to submit a sick note within the first 12 hours of requested sick leave for the remainder of the calendar year or until you reach a balance of 10 days. Be aware that any disciplinary action involving you in the future may result in disciplinary action up to and including termination.

You have 10 calendar days to request a second meeting with the Appointing Authority to provide additional new evidence. Attached is Section 6.6 and 6.8 of the Civil Service Rules. Review the entire document for an understanding of the disciplinary process and your rights to appeal my decision under these rules.

Sincerely,



William Swann
Director Chief – Nashville Fire

cc: Jamie Summers, Human Resources Manager
Personnel File
Metro Department of Law