

April 17, 2020

To: Merit System for the Employees of The Knox County Sheriff's Office

From: Westley Neal Keck, Appellant

Regarding: Written Request for Hearing with Sheriff's Merit System Council

Dear Council,

Pursuant to Section 9.3.4 of *Merit System for the Employees of The Knox County Sheriff's Office Policies and Procedures* (MSPP), comes Westley Neal Keck, Appellant, Appellant who files this written appeal and requests a hearing with the council.

1. The Appellant's termination was inappropriate and inconsistent with the Policies and Procedures of MSPP.

This appeal is made in writing, timely, and authorized under Section 9.3.4 of MSPP. A hearing should be conducted for the following specific reasons:

- (a) The Appellant was erroneously terminated on April 8, 2020. The April 1, 2020 Letter asserts the cause was for violations of MSPP 9.3.1 (b) Moral or ethical situations that make the employee unsuitable, and 9.3.1.(g) Notoriously disgraceful personal conduct.

The April 1, 2020 letter to Appellant states "Our investigation has determined that criminal charges from this incident constitute notoriously disgraceful conduct." Section 9.3.1 (f) of MSPP requires "Conviction of a Criminal Offense." Section 9.3.1 does not authorize termination based on criminal charges.

- (b) Internal investigation was neither initiated, nor completed. Appellant was not interviewed prior to any criminal charges being made, despite numerous opportunities to do so. The Appellant provided a written explanation. The stated reason for termination is criminal charges, which have not resulted in a conviction.

- (c) Careful consideration as required by Section 9.3.2 MSPP of Appellant's written explanation does not appear to include reviewing MSPP as evidenced by the April 1, 2020 Letter, which specifically requires conviction of a criminal offense.

2. Section 9.3.1 (f) of MSPP addresses criminal conduct, and *cause* under these circumstances would be "Conviction of a Criminal Offense".



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3. Appellant did not engage in immoral, indecent, lewd, or disorderly misconduct. There are no allegations against Appellant, other than a criminal charge based on hearsay statements which were neither sufficiently, nor adequately investigated. No independent facts have been presented supporting *notorious disgraceful conduct* by employee through action or inaction.
4. Notoriously disgraceful conduct and conviction of a criminal offense are clearly distinguished in Section 9.3.1. The state criminal complaint/charge made to the Court for adjudication in lieu of conducting an internal investigation and exercising an administrative remedy was in the discretion of the administration. Appellants termination on the grounds stated in the April 1, 2020 Letter is arbitrary and inconsistent with MSPP.
5. Appellant requests a hearing under Section 9.4 MSPP.

Respectfully submitted,

*Westley Neal Keck*

Westley Neal Keck

Phone: [REDACTED]