

April 25, 2024

RESPONSE TO PUBLIC RECORDS REQUEST

Via Email Only to: records@sunshinerequest.com
records@sunshinerequest.com

Re: Public Records Law Request—April 23, 2024

Dear records@sunshinerequest.com:

On behalf of the City of Greenville and the Greenville Police Department (“GPD”) (collectively the “City”), please allow this letter to serve as the City’s response to your public records request made to City staff on April 23, 2024 at approximately 2:48 p.m. (“your public records request”). For your convenient reference, a copy of your public records request is attached and incorporated herein.

In response to your public records request and in compliance with Chapter 132 of the North Carolina General Statutes please find attached the public records portions of the record that is responsive to your request.

Please note that the requested attached record contains personnel information, which is confidential and not subject to release pursuant to N.C.G.S. § 160A-168¹ and sensitive public security information that is not public record pursuant to N.C.G.S. § 132-1.7(a2). Accordingly, the redacted portions are not subject to public disclosure pursuant to the North Carolina Public Records Act, Chapter 132 of the North Carolina General Statutes (e.g. N.C.G.S. § 132-6). Given the commingling of confidential and nonconfidential information in the records requested in your public records request, all information in the documents requested have been reviewed by the City and the confidential information has been separated from the nonconfidential information by way of redaction of the confidential information from the nonconfidential information in the requested records in accordance with N.C.G.S. § 132-6(c).

¹ No exception or waiver applies to the privilege or protection and the City is prohibited from releasing or disclosing confidential information by way of a response to a public records request. See N.C.G.S. § 160A-168(c)(4) (“By order of a court of competent jurisdiction, any person may examine such portion of an employee’s personnel file as may be ordered by the court.”). Consequently, the confidential information is not public record and is instead statutorily privileged or protected. See N.C.G.S. § 160A-168.

records@sunshinerequest.com

April 25, 2024

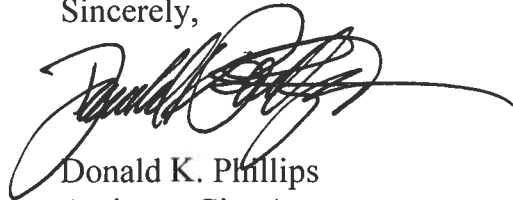
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The City hereby considers its response to your public records requests concluded.

Finally, please note that any production of documents or information herein in no way waives any right by the City to hereinafter assert any objection, privilege, or other defense which may be available or otherwise allowed by law.

If you have any questions or would like to discuss, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald K. Phillips", with a long horizontal flourish extending to the right.

Donald K. Phillips
Assistant City Attorney

Attachments

1193876

Donald Phillips

From: Sunshine Request <records@sunshinerequest.com>
Sent: Tuesday, April 23, 2024 2:48 PM
To: Kristen Hunter
Cc: Leah Futrell; Valerie Shiuwegar; City Clerk Information; Donald Phillips
Subject: [External] Public records request. (April 2024) Request for City of Greenville, NC Government: Possible PD memo dated 04/16/2024.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, were expecting this message or otherwise know the content is safe.

Good afternoon Kristen, Leah, Valerie, Donald, (or Custodian(s) of these records),

Please reply promptly to the following public records request, which I'm making in accordance with NC Public Records Law. https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_132.html

If such a record exists –

Please provide Greenville, NC Police Department Memo from April 16, 2024 sent from Major Richard Tyndall to Communications Personnel, with the Subject: “*Communications Directive*”.

** I'm simply requesting an electronic copy of an electronic record, if one exists. I'm NOT asking for the opportunity to come in person to "inspect", nor to obtain a printed copy of, this electronic record. I'm requesting explicitly that any responsive info be provided to me via the electronic medium / electronic format (in which the copy of this record already exists). If you are unable to fulfill any or all parts of this request, please specifically cite where a reason for denial is justified under NC Public Records Law. **

Please note that by submitting this request, I'm NOT agreeing to pay any potential fees or associated costs related to my request. If it isn't possible to process the request without incurring fees, then please let me know the itemized potential cost and clear explanations of those charges upfront, and DO NOT proceed until I respond.

By Law I'm not required to provide a name or address to associate with a public records request, but in order to move things along I'd like to clarify that this request is being made by:

Sunshine Request
PO Box 17391
Asheville, NC 28816

The request has been sent solely by me and my email address records@sunshinerequest.com . If anyone other than that email address contacts you to pursue a similar request, it did not come from me. Please do not commingle or treat that as an alteration or cancellation of my request – I intend to continue to pursue my request.

Thank you for your assistance!


** *Sunshine Request (www.sunshinerequest.com) makes no claim as to the veracity of any statements or information contained in any of the requests, or public records, we receive.*



POLICE DEPARTMENT

Memorandum

To: All Communications Personnel

From: Richard Tyndall 
Administrative Services Bureau Commander

Date: April 16, 2024

Subject: Communications Directive

As you are all aware, we are exploring ways to improve the operations of the Communications Unit. We are currently at a point where vacancies are having an impact on our operations resulting in significant amounts of overtime. Additionally, we have heard concerns related to meal breaks and the difficulty in taking breaks. This directive is intended to alleviate some of these concerns. We will continue to explore other options that will improve the work environment in the Communications Unit.

Meal Breaks:

Based on the Telecommunications schedule, each Telecommunicator and Lead Telecommunicator is afforded a thirty (30) minute meal break each shift. If an employee is not able to take the meal break due to extraordinary circumstances, such as extreme call volume and emergencies, he/she will be compensated for the time worked. In accordance with City policy, Telecommunicators and Lead Telecommunicators will be paid time and one-half overtime pay for all hours worked in excess of forty (40) in a workweek. The missed meal break should be documented in an appropriate Exception Time Report and approved by a supervisor.

Effective immediately each Telecommunicator and Lead Telecommunicator will take a thirty (30) minute meal break each shift and will leave the dispatch room for the entirety of the thirty (30) minute break. The Telecommunicator or Lead Telecommunicator will take a cell phone or portable radio with them on their break and will respond back to the dispatch room if required for an emergency. If the Communicator is called back to the dispatch room for an emergency, the employee will be compensated for the meal break. It is understood that there will be times that the Telecommunicator or Lead Telecommunicator will not be able to take the required break because of call volume or other circumstances constituting an emergency. If that occurs during the shift, the Telecommunicator or Lead Telecommunicator will send the Telecommunications Supervisor an email documenting why the break was not taken and attach the required Exception Time Report documenting the missed break. A missed meal break is only permitted if call volume or an emergency exists. Only one Telecommunicator or Lead Telecommunicator is permitted to take a break at one time. Currently there is no assigned time for each Telecommunicator or Lead Telecommunicator to take a break, except they are not permitted to take the break during the first hour or last hour of their shift.

It is expected that the Lead Telecommunicator will schedule meal breaks when they are working. If there are only three (3) communicators working, the Lead Telecommunicator will make the decision to allow

one of the Telecommunicators to take a break when possible, depending on calls for service and operational needs. If there is an appropriate opportunity to take a break, the Lead Telecommunicator will instruct one of the others to take a break or the Lead Telecommunicator can take a break.

On-Call Scheduling:

One of the concerns we heard of relates to overtime and being requested to cover shifts at the last minute due to minimum staffing requirements. To facilitate better planning, the Communications Supervisor will be developing an on-call calendar. The Communications Supervisor will facilitate the scheduling. If the communicator on call has not been contacted by 0630 (if covering dayshift) or 1830 (if covering nightshift) then they are considered released from call duty for that day. If the on-call Communicator is needed to cover the shift, he/she will have one hour from the time of notification to report to the communications center. On-call employees who are required to report to work to maintain minimum staffing requirements will be paid at the rate of time and one-half in accordance with the City’s Emergency Call Back Pay Policy. Each communicator on call is required to be available via phone while on call. The Communications Supervisor will be providing further information regarding the on-call schedule. We will reevaluate this process at the end of May to determine if we need to create a call-back duty process.

Shift Assignments:

With the number of vacancies, it has become necessary to adjust our shift assignments. Effective Saturday April 20, 2024, at 0600 hours, the following assignments will be as follows:

| | |
|------------------------------------|----------------------|
| | |
| Kimberly Sawyer (Lead) | LaTecia Hentz (Lead) |
| Keaton Allen | Samantha Baker |
| J. Shepherd (temporary assignment) | Amanda Wallace |
| Vacant | Vacant |
| | |
| Veronica Williams (Lead) | Nate Brown (Lead) |
| Kelly King | Jaquez Spivey |
| Laura Briley | Nickolas King |
| Vacant | Vacant |
| | |

As with any assignment, there may be additional personnel actions to accommodate other needs within the Department.