



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
San Luis Valley Field Office
1313 Highway 160 East
Monte Vista, CO 81144

In Reply Refer To:
File Code (COF03000/CO930)

Date: 9/16/2020

To: Melissa Shawcroft, Rangeland Management Specialist
From: Melissa Garcia, Field Manager, San Luis Valley Field Office
Subject: Proposed Suspension

This is official notice that I, as your supervisor, am proposing to suspend you without pay for a period of fourteen (14) calendar days from your position as Rangeland Management Specialist, GS-0454, for discourteous conduct, insubordination, boisterous or disruptive/disorderly conduct, and delay or failure in performing assigned work. This action is taken in accordance with provisions outlined in Chapter 75 of Title 5, United States Code subchapter 1: Part 752 of Title 5, Code of Federal Regulations, subparts A & B, and the U.S. Department of the Interior Manual at 370 D.M. 752 to promote the efficiency of the service.

Background

Prior counseling and administrative actions have had no corrective effect on your behavior and conduct. Your behavior since the summer season in 2017 has been disruptive to the work environment, has impacted morale among staff, and in 2020 continues to undermine processes that we have drafted, talked to all staff about, and then put in place. These processes include following the Office Working Guidelines, working in a professional manner in a team environment regarding the NEPA process and expectations, and being respectful to peers and supervisors in meeting establish deadlines. Much of this same behavior is documented in previous administrative actions and in two different directives sent to you on 12/11/2019 and 01/13/2020.

Some examples of the behavior with other staff and managers which has been escalating include:

- Insolent email correspondence with Mark Ames and Paul Sienkiewicz on the reconsideration request of your 2019 EPAP.
- Interaction with Melissa Warren and myself on the discussion about your 12/11/2019 directive from you supervisor.
- Your interaction and behavior towards your supervisor regarding livestock trespass.

- Inappropriate and unauthorized interaction with a permittee based on your unfounded concern regarding a “management” meeting with people without including you from my 12/11/2019 meeting with JD Schmidt and Ed Nielsen as well as CPW and Branding Inspector representatives in contravention to my directive.
- Boisterous and disruptive behavior as evidenced by your belittling of coworker Heather Salaz about her position and her work as a NEPA assistant as well as implying that she had an ethics violation for a family grazing permit in February/ March 2020; and evidenced from emails to your supervisor and comments to your supervisor and other managers about harassment from Brian Garcia.
- Unacceptable interaction with Heather, Nancy, and your supervisor on 3/3/2020 at our meeting to answer your questions and discuss roles and responsibilities and your work as a team lead that led to your supervisor having to end that meeting and have a separate discussion with you about your latest directive where you told your supervisor to fire you.
- Disruptive and unprofessional behavior while on assigned telework tasks towards your supervisor.

Some of these incidents are described in detail below:

In early December, 2019, after you received a response on your request for reconsideration of your 2019 EPAP rating, you sent demeaning and disparaging emails to Mark Ames and Paul Sienkiewicz, the individuals who facilitated your request. Your comments were taken by Mark Ames as personal attacks due to the fact that you did not appear to be happy with the result of the reconsideration. Your emails imply bias, not following the rules, and claims of unprofessionalism. Your language in the email thread brought to my attention on December 6th, 2019, includes: Email 1: *“Well, thanks Paul. Looks like you succeeded in covering management's rear again and not giving me the voice I was supposed to have in all this. I wonder why we have regs if our ones in charge don't ever follow them.”* And Email 2: *“It looks like we kind of skipped over or left out an important part here as stated on page 18 of the Employee Handbook”*. You continued to quote the Employee Handbook... and then finished your response with: *“So, what happened to me being notified of the process and the chance to be heard.....is this just a bogus statement and only applies to certain people?”* Your approach, disdain, and unprofessional response continues to show that you are unwilling to respond in a respectful and professional manner when you requested assistance with the reconsideration process.

During a meeting on 12/19/2019, you exhibited belligerent, combative, disparaging, and unprofessional behavior. The purpose of the meeting with your supervisor and Melissa Warren (acting Associate District Manager) was to discuss the Directive that you were given on 12/19/2019. During this meeting, you became defensive about the work assigned, said that the task was not a part of your job, and then said that you felt that there was a hostile working

environment because you were not being allowed to telework. You became increasingly more derogatory and accusatory and commented about your supervisor's spouse and that he was not doing his job and that your supervisor was putting you in harm's way because your supervisor was expecting you to gather your files in this directive. You continued to allege that there was nepotism, that your supervisor was making you do the work of the law enforcement officer and the managers, and that you were being harassed by telling you to follow the Directive. Your actions, words, and general demeanor during this discussion were disrespectful, erratic, and accusatory. You left the meeting by storming out of the room and then the building.

Your continued subversive, underhanded behavior with managers, your supervisor, partners, and co-workers undermines trust, work flow, and work efficiency. For example, on your 2020 EPAP initiation review you made the following unprofessional and unfounded and accusatory comments: *"No other range specialists have this requirement nor are they required year after year to deal with the same repeat criminal livestock trespassers that are not punished by law enforcement and in fact which law enforcement has washed their hands of. I believe there is a nepotism conflict of interest here with you as my supervisor and your husband as the law enforcement officer and you both deciding that I should deal with this type of work rather than the both of you dealing with these trespassers. As long as I am supervised by you, you have it all under your control where it goes no higher.....just as you want"*.

In a response email to me based on your 12/09/2019 Directive you stated: *"Lastly, I feel that due to the recent circumstances of events that led to this recent directive with the controversial livestock trespass meeting you and your husband apparently had with JD Schmidt, the brand inspector, rancher Ed Nielsen and Brian Beechaver at the office last Wednesday, I feel that I am working in a hostile work environment with you and your husband, I feel that issues related to these trespass related problems are being taken out on me that makes my job much more stressful, full of anxiety and uncomfortable in the degree of hate that I feel from the both of you. I think this needs to be addressed since the three of us are all very much involved in these same issues and now it appears the level of rising conflict with the permittees and others has also made this a game changer."*

This email unfoundedly accuses your supervisor and the SLV Law Enforcement Ranger of conspiring against you because they had a meeting that you were not invited to because you were not a necessary partner in these discussions. You also brought that situation up in a staff meeting to all employees as you were being put-upon to follow your supervisor's direction on the Unauthorized Use project that you were assigned. You continue to be subversive to your supervisor in front of partners, staff, and permittees, continue to erode away trust and reputation of the BLM, the Field Office, and your supervisor, and you continue to lash out in an unwarranted and paranoid fashion when you do not get your way. The incident in which you contacted JD Schmidt which you described in your email to your supervisor (dated 12/11/2019 at 7:40pm) (where you said *"Well, I now understand where all this is coming from as I called JD Schmidt tonight since I saw that he was in a meeting with you this afternoon and I asked him if there was something that I did to upset him. He informed me about a trespass meeting he and others had with you and your husband today. He said that it had nothing to do with me. So, now I understand where all this is coming from. You are taking this all out on me... the fact that the public is mad at you because nothing is being done to curb the ongoing criminal livestock*

trespass at the river.") led, among other previous incidents, to the next Letter of Directive dated 1/13/2020 where you were specifically told not to communicate with permittees without manager oversight based on these very reasons.

On 12/11/2019 you sent your supervisor an email asking what the directive from 12/11/2019 was about by stating: *"May I ask what this is all about? This garbage about my communications? I think I would like proof of what you are accusing me of."* In response to the sentence in the Directive that you were given, your supervisor wrote: "I am directing you to conduct your communications, internally and externally, in a respectful, professional, and kind manner in all interactions." Again, your communication as quoted above is unprofessional, is unnecessary in tone, and exhibits poor judgement in a response to a directive from your supervisor.

On 12/13/2019 you sent me an email when you were asking me to clarify my directive to you from 12/11/2020 where you insinuate that I am having secret meetings without you. You say: *"Lastly, I feel that due to the recent circumstances of events that led to this recent directive with the controversial livestock trespass meeting you and your husband apparently had with JD Schmidt, the brand inspector, rancher Ed Nielsen and Brian Beechaver at the office last Wednesday, I feel that I am working in a hostile work environment with you and your husband, I feel that issues related to these trespass related problems are being taken out on me that makes my job much more stressful, full of anxiety and uncomfortable in the degree of hate that I feel from the both of you. I think this needs to be addressed since the three of us are all very much involved in these same issues and now it appears the level of rising conflict with the permittees and others has also made this a game changer"*.

Your communications continue to be unprofessional and your judgement in use of wording, emails, and telephone calls continues to show your supervisor that the previous corrections given you (eg. 2017 Letter of Reprimand, subsequently removed from your eOPF, and letters of counseling) were not effective in curbing your behavior. It is unprofessional, unbecoming, and inappropriate for you to go around your supervisor and call to ask JD Schmidt if you did anything to upset him because you were not involved or invited to a meeting. The meeting did not concern you. Your poor behavior puts the permittee in a difficult position and negatively reflects on the BLM. You were directed to come to your supervisor if you have questions or concerns in the future.

On 12/17/2019 at the All Employee Meeting during the round robin you told staff that based on a meeting that you were not invited to (meeting with JD Schmidt and Ed Nielsen), the pressure on the BLM is impacting your regular work and someone else was going to have to do the work for you when you are working on this project (concerning the Unauthorized Use project you were assigned in the Directive from 12/11/2019). By touting that you were under a specific order that you did not agree with and that it placed an imposition upon you, you attempted to involve the entire staff in your drama. You then told them that they will have to make up the work and it was all going to be on them to do so. That behavior reflects poorly on you and your behavior is negative, aggressive, and belligerent. You were trying to incite problems and conflict with your statements at the staff meeting.

Your behavior towards Heather Salaz, specifically, in your interactions regarding land health assessments and her role are especially concerning. This includes unilaterally acquiring Heather's Position Description and trying to see how she qualifies for the NEPA work. Additionally, in an email on 2/26/2020, you began by accusing Heather of having a conflict of interest or ethics violation based on her Grandfather's previous allotment with BLM, asking her if she was involved in the land health decisions on his allotment. You then told your supervisor, Nancy Keohane, and Heather that you searched through Heather's new Position Description to see what her NEPA duties entailed so that you could understand her role in NEPA. Such behavior continues to be destructive to relationships within the Field Office and is eroding away the team environment that the other SLVFO employees are trying to build and maintain.

On 3/3/2020, I met with you to discuss some roles and responsibility questions that you posed to Nancy and Heather the previous week. We met to describe the NEPA issues-based process, the team roles, the Range Term Permit Renewal backlog, and the ID Team Lead roles in the upcoming Land Health Analysis and Determination process, and the subsequent NEPA work. During that conversation you became highly agitated in the discussion and did not agree with the processes that your supervisor was lining out. You objected to the idea that it was all based on a team effort and that there was integration among resources in the LHA and Determination write-ups. You said that as a Range Specialist you were hired to do your work in range and others in the office could not speak to the vegetation and effects from grazing on the vegetation. Your supervisor informed you that we were working on a different and more integrated way to analyze the affected environment and that each resource did not work in a silo any longer. After your supervisor closed the meeting you continued in confrontation with your supervisor, challenging your supervisor about a recent directive your supervisor gave you considering your communications with Southern BLM range permittees. Your confrontation moved beyond challenges about reasonable accommodation to your supervisor's decision to limit your telework capability. Ultimately, you stormed out of the small conference room and began walking away, and said "Melissa, you are a real b*****", but caught yourself and didn't finish the sentence. At that point, your supervisor told you that you needed to take administrative leave for the rest of the day so that you could cool off and gather yourself. You then told your supervisor that you were not going to leave and that your supervisor could not make you as you walked away. Your supervisor then had to order you to take leave for the rest of the day as you stormed off.

After being granted special telework privileges to complete assigned tasks during the COVID-19 pandemic, you have exhibited more disruptive, unprofessional, and discourteous behaviors towards your supervisor from 6/09/2020 to present. You continue to oppose direction to follow the tasks as assigned and blast snarky, unprofessional, baiting, and acerbic emails to your supervisor as well as the Employee Relations Specialist, the District Manager, and Dario Archuleta (AFM) about your assignments, timesheets, annual leave/ sick leave, EPAP mid-year review, and trespass. You continue to be resistant to direction, refuse to complete assigned tasks as they have been laid out to you in the letter of Expectation (06/05/2020), and do not complete assigned tasks without push-back and toxic emails to your supervisor. Those emails show the disrespectful and unprofessional tone that you continue to exhibit even after being counseled

multiple times in your EPAPs from 2019 and 2020 and your directives from 12/11/2019 and 01/13/2020.

You continue to be resistant to direction, refuse to complete assigned tasks as set forth to you in the letter of Expectation (06/05/2020), and do not complete assigned tasks without push-back and toxic emails.

On 8/12/2020, 8/19/2020, and 9/2/20, while on telework tasks, you intentionally defied the directive of 12/11/2019 (*"You are not to follow up on or record unauthorized use once a week by non-permittees within the Rio Grande Natural Area while you do this work and/or until further notice"*) and the directive of 1/13/2020 (*"Finally, I am directing you to use a government vehicle on all official government business and follow all vehicle policies and guidelines including use of other vehicles if your truck is not available or having domicile forms pre-approved if necessary"*) where you investigated unauthorized use, reported it to me, and also defied the Letter of Expectation from 6/5/2020 where I told you to follow the telework tasks only. You were explicitly told that you were no longer allowed to be involved in this trespass situation until further notice and yet you involved yourself.

All these incidents described are examples of a continuing and escalating pattern of insolent, subversive, belligerent, and unprofessional behavior you persistently exhibit.

Furthermore, in an effort to accommodate you in circumstances during the present COVID-19 crisis, you were allowed to telework and, on 6/5/2020, were presented with a set of tasks along with expectations to be completed by you. These expectations had specific assignments with specific deadlines. Since receiving those expectations, you did not accomplish tasks by the established deadlines. Specifically, out of the seven tasks that were given to you in the Letter of Expectation on 6/5/2020, five were late or are still in process of completion. The deadlines have been missed, many by over a month.

Recognizably many of the behaviors described above occurred before the current COVID-19 crisis affected the work environment in March 2020. Nevertheless, they cannot be disregarded because of the amount of time passed. Intervening circumstances (such as your extended leave from March until June) prevented your supervisor from calling you to task on these until now. Further, inclination to take action was tempered by the fact that you were being presented with new tasks and opportunities in June 2020. However, you continue the negative behaviors up the present in complete disregard and defiance of all directives and communications that you have been given. You continue to show an unwillingness to comport yourself professionally.

As a consequence of these behaviors your supervisor has chosen the following specific charges and specifications as the basis for cause of action for this proposal:

Charge and Specifications

Charge 1: Discourteous conduct (e.g. rude, insolent, disgraceful acts or remarks) toward supervisors, co-workers, or the public;

Specification 1: On December 5, 2019, in an email to Employee Relations Specialist Paul Sienkiewicz and Mark Ames you wrote *“Well, thanks Paul. Looks like you succeeded in covering management's rear again and not giving me the voice I was supposed to have in all this. I wonder why we have regs if our ones in charge don't ever follow them”*.

Specification 2: On March 3, 2020, you challenged your supervisor's directive from 1/13/2020 and repeatedly interrupted the meeting.

Specification 3: On March 3rd, 2020 you questioned Heather's involvement in her assigned duties as NEPA assistant by saying that you looked through her PD for the Management and Program Analyst position and it did not say NEPA, and insulted her by lashing out at the process that you did not agree with.

Specification 4: On December 11, 2019, you directly called up JD Schmidt and asked him about the meeting in contravention to the 12/11/2019 Directive.

Charge 2: Insubordination: disregard of directive; refusal to comply with a proper order.

Specification 1: On August 12, 2020 you investigated unauthorized use in defiance of a directive on 12/11/19, the directive on 1/13/2020, and the Letter of Expectation from 6/5/2020.

Specification 2: On August 19, 2020, you investigated unauthorized use in defiance of a directive on 12/11/19, the directive on 1/13/2020, and the Letter of Expectation from 6/5/2020.

Specification 3: On September 2, 2020, you investigated unauthorized use in defiance of a directive on 12/11/19, the directive on 1/13/2020, and the Letter of Expectation from 6/5/2020.

Charge 3: Boisterous or disruptive/disorderly conduct; use of insulting, intimidating, abusive or offensive language to or about another employee or supervisor.

Specification 1 : On March 3, 2020, you stormed off at the end of a conversation at the end of a conversation with your supervisor, you stated “Melissa, you are a real b” at the end of a conversation.

Charge 4: Failure or delay in carrying out instructions; failure or carelessness in performing assigned work; failure to take/complete officially-directed training in a timely manner.

Specification 1: On June 5th, 2020 you were allotted 15 hours to complete six mandatory trainings by 6/12/2020. Five were completed after the deadline of 6/12/2020. The following trainings were your second priority after your EPAP input. They were accomplished on:

FISSA/IMT on 8/14/2020 (2 months late)

Diversity 7/7/2020 (3 weeks late)

Annual Ethics 6/15/2020 (3 days late)

Active Shooter 6/15/2020 (3 days late)

No Fear Act 12/18/2019, met requirement

EEO/POSH 8/24/2020 (over 2 months late)

Specification 2: Allotment Permit Tracking Worksheet was due 6/26/2020. This has not been done. The completion of this project is now overdue.

Specification 3: Pre-Land Health Assessment Information Powerpoint was due on 07/10/2020. This has not been done. This task is now overdue.

Specification 4: The Grazing Permit Backlog Information to inform Future NEPA Documents was due on 08/14/2020. This task has not been done.

Specification 5: Unauthorized Use Register was due 8/21/2020. Based on your email on 8/11/2020, this task had not yet been started yet and as of 8/31/2020, has not been done.

Penalty Analysis

In proposing this suspension, I have taken into consideration your workload, experience and your years of service. I have reviewed DOI Manual Part 370, Chapter 752, Discipline and Adverse Actions.

The Merit Systems Protection Board, in its landmark decision, *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), established criteria that supervisors should consider in determining an appropriate penalty to impose for the employee's misconduct. These twelve factors are commonly referred to as "Douglas Factors." The following relevant factors have been considered in determining the severity of discipline in this case.

Factor 1: The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

The offenses (specifications) referenced above are all serious. Given the continuing and repeated nature of the behavior described, I believe the behavior is intentional.

Factor 2: The employee's job level and type of employment, including supervisory or fiduciary role where truthfulness, trustworthiness, and reliability are required, contacts with the public, and prominence of the position.

The employee's job level is a GS-11 Rangeland Management Specialist that directly works with BLM staff and program leads at the field office, other field offices, district office, state office, National Operations Center partners in other agencies (NRCS, FS, State Land Board) and other groups (Front Range Board of Grazing Advisors, Habitat Partnership Program) and namely with approximately 40 grazing permittees in relation to the allotments that Melissa Shawcroft is assigned to manage and oversee. She is not in a supervisory position.

Melissa Shawcroft's trustworthiness is low to non-existent, she is not reliable in meetings, email, other forms of correspondence, or on field trips. Melissa's negative, acerbic, passive-aggressive to aggressive behavior is evident in most of her interactions. Melissa Shawcroft will frequently relate one situation or concern to BLM staff and managers and then when permittees are present, will flip her opinion or description to an opposite position. She, when not restricted, represents the BLM in three counties, works directly with partners and permittees, and has a level of authority over permittee actions, management of their allotments, and their ability to use their allotments based on their compliance to terms and conditions.

Factor 3: The employee's past disciplinary record.

I have not reached out to HR or to previous supervisors to obtain past employee files. For the proposed suspension, I have only considered instances that I have directly observed or been copied on since I became Field Manager in the SLVFO in January of 2017. I have considered the continual patterns of behavior which reveal that the employee refuses to be managed and follows direction only after a significant amount of resistance and striking/lashing out.

Letter of Reprimand 2017, expired 2018.

Factor 4: The employee's past work record, including the length of Government service, performance on the job, and ability to get along with fellow workers, and dependability.

Employee has worked with BLM and the federal government for approximately 30 years. Performance on the job in previous years was documented as fully successful. However, conduct has been a major issue with this employee since the 1990s through many supervisors. Her ability to get along with others is variable. She cyclically sabotages relationships and builds trust and understanding and then when everything is going well and she is working with others in a professional and coordinated manner, she verbally attacks them, flips her stance, and generally tries to undermine them, tells them that she is taking action on them, both staff, managers, and partners. Melissa's long-standing patterns of behavior are relatively predictable because she follows these cycles every 3-6 months. She is untrustworthy, everyone who works with her keeps up their guards, avoids her, or works directly with her to the minimum extent possible. Melissa Shawcroft creates a tense, sometimes hostile, and distrustful work environment in both staff and managerial relationships and with partners and within the office environment.

Factor 5: The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties, breach of trust and confidence.

Melissa Shawcroft has performed at a satisfactory level in her annual evaluations. However, Melissa has been counseled on her conduct and behavior repeatedly over the decades and especially over the three years that I have been working with her. She is continually combative by email and in meetings. She is aggressive in communications, she storms out of meetings when she feels like she is not getting her way, and she attacks people verbally in staff meetings, interdisciplinary team meetings, and in the cubicle settings within the field office. I have low

confidence and trust that Melissa is able to perform her duties in her current EPAP based on her most recent behavior since December of 2019. She is not trustworthy, undermines my authority, has a distinct pattern of seeking validation of her actions by trying to get permittees to side with her against me and my authority, and refuses to follow my direction, or fights with me by email and in person on each task or project that I assign her to accomplish.

Factor 6: Consistency of the penalty with those imposed upon other employees for the same or similar offenses.

I have not dealt with such behavior in the past. However, suspension is consistent with agency practice for similar discourteous and boisterous conduct instances, insubordination, and failure or delay in carrying out instructions.

Factor 7: Consistency of the penalty with any applicable agency table of penalties.

DOI Department Manual Table of Offenses and Penalties sets forth the following parameters for first offense on the offenses indicated:

5. Boisterous or disruptive/disorderly conduct; use of insulting, intimidating, abusive or offensive language to or about another employee or supervisor.	Written Reprimand to 5-day suspension
4. Discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks) toward supervisors, co-workers, or the public.	Written Reprimand to 5-day suspension
15. Failure or delay in carrying out instructions; failure or carelessness in performing assigned work; failure to take/complete officially-directed training.	Written Reprimand to 14-day suspension
16. Insubordination; disregard of directive; refusal to comply with a proper order.	5-day suspension to removal

Given the composite nature of the misconduct as well as the varying range of discipline (from written reprimand to removal), I believe the proposed 14-day suspension is reasonably within the guidelines presented.

Factor 9: The clarity with which the employee was on notice of any rules/regulations that were violated in committing the offense, or had been warned and/or was clearly on notice about the conduct in question.

The employee has been put on notice about her behaviors in emails, directives, a Letter of Reprimand and during Employee evaluation discussions and write-ups at mid-year and end of year for 3 years in a row.

Melissa Shawcroft was given a Letter of Directive on 12/11/2019 that directed that she conduct her communications, internally and externally, in a respectful, professional and kind manner in all interactions. I met with Melissa Shawcroft and Melissa Warren (Acting RMD ADM) as a witness on 12/18/2020 to discuss the directive and I followed it up with an email to reiterate our meeting discussion on 12/19/2020. A statement in the follow-up email from me included "I am directing you to be professional, courteous, and respectful, and in the future, if you have a problem with a meeting that I have, you will come to me to discuss your concerns. It is still inappropriate and unprofessional for you to go around me and I am directing you to stop this behavior immediately."

On 1/13/2020, I sent Melissa Shawcroft another Letter of Directive based on issues with her conduct that continued to occur, set up weekly meetings, communications with permittees, teleworking, and use of vehicles in response to her request to adjust her work schedule from the previous directive of 12/11/2019. I continued the revocation of her telework agreement, required her to show up at planned meetings, maintain core office hours, conduct herself and her communications in a professional manner and with me involved in every communication, and to use a government vehicle when working on government time. Based on Melissa's continued interactions with myself, other managers, staff, and permittees, Melissa Shawcroft put herself in a position that I (or my acting) had to be available for every meeting, phone call, and email that she had with permittees.

On March 3, 2020, based on continued unprofessional behavior and because she became combative, continued her negative and aggressive behavior, and blew up in a meeting with staff, I ordered her to leave the office on administrative leave for the afternoon. I began working on pursuing personnel actions for Melissa Shawcroft based on her behavior in a meeting on March 3rd. Melissa Shawcroft was on Spring Break the week of March 16th through March 22nd, and then was sent home on administrative leave for COVID-19 as a self-certified high risk employee on March 23rd until May 8th, when I brought her back to work to perform critical mission functions in a telework-only capacity.

Factor 10: The potential for the employee's rehabilitation, does employee accept responsibility, did the employee take subsequent measures to correct the conduct, or assure the supervisor that the conduct will not be repeated.

The Employee has refused to accept responsibility, has taken many actions to thwart attempts to follow direction, she refuses to be managed by her supervisor/field manager, and she refuses to take corrective actions.

Factor 11: Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.

I am not aware of mitigating circumstances as described in this factor.

Factor 12: The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Her behavior has not been corrected by previous actions and it is likely that conduct will not improve based on current administrative actions that are in place or future ones. I am unaware of alternative sanctions that may be available within the BLM's authority. Melissa Shawcroft agreed to mediation based on her letter of reprimand from 2017 and then walked out of the mediation, leaving it unresolved. She refuses any further mediation that I have recommended on multiple occasions. She also refuses to change her behavior or her attitude. The suspension based on multiple directives and Melissa's refusal to change her behavior is the next step in disciplinary process to try and improve the negative and unprofessional conduct that Melissa keeps exhibiting. The suspension will be the most effective way to stress how seriously the unprofessional and discourteous conduct issues are viewed.

Employee Rights and Procedures

You have the right to reply to this proposal orally and/or in writing (and furnish affidavits and other documentary evidence), no later than seven (7) calendar days after you receive it.

Your reply must be presented to the Deciding Official:

Benjamin E. Gruber

Acting Deputy State Director, Resources
Bureau of Land Management, Colorado State Office
U.S. Department of the Interior, Region 7
(951) 269-9548

Email: begruber@blm.gov

Your reply should include any information or evidence you want the Deciding Official to consider in making the Decision. If you need to request an extension of time to reply, your request must be in writing and must be received by Benjamin Gruber no later than close of business at the end of the current seven (7) calendar day response date. It must state the reason for your request and the amount of additional time needed. The Deciding Official will respond to you, in writing, either granting or denying (fully or partially) the time extension request.

You have a right to review the material relied upon to support this proposal. Paul Sienkiewicz will carbon copy you on the material provided to Mr. Gruber for his consideration as Deciding Official. If you have any questions, please contact Paul Sienkiewicz, Human Resources Specialist ER/LR, at: (303) 239-3938.

During the reply process, you can represent yourself or be represented by an attorney or other representative. However, management has the right to disallow as your representative an individual whose activities as representative would cause a conflict of interest or position, or an employee whose release from his or her official position would result in unreasonable costs or whose priority work assignments preclude his or her release. If you elect a representative, you

must designate the individual, in writing, to the Deciding Official prior to any oral and/or written reply.

You and your representative, if an employee of the BLM, are entitled to a reasonable amount of official time (normally hours, not days) to review the material relied on to support this proposed action and to prepare and present your reply. Requests for use of any official time for this purpose must be made to and approved by me in advance. Your representative, if a BLM employee, must also request official time from his/her supervisor in advance.

Full consideration will be given to any reply you make and you will receive a written decision on the proposal at the earliest practicable date after receipt of your reply. If you choose not to reply, a decision will be made as soon as practicable after expiration of the time allowed for your reply.

You will remain in an active duty status during the notice period, unless you request and receive approval from your supervisory chain for any type of leave.

Employee Assistance Program

If you believe you may be experiencing medical or personal issues which may be contributing to the behavior described above or desire any independent counseling regarding this proposed action, you may seek assistance by contacting the Employee Assistance Program (Espyr) at 800-869-0276, or via its website at <https://espyr.com/sign-in/> (agency password is "interioreap"). Counselors are available 24 hours a day to offer assistance. Any contact with Espyr is voluntary and strictly confidential. No information is released without your express written consent.

A handwritten signature in blue ink that reads "Melissa Garcia" is written over a horizontal line.

Melissa Garcia

Receipt Acknowledgement

This document has been emailed to you for our conversation of 9/16/2020.

