



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Royal George Field Office
3028 E Main Street
Canon City, Colorado 81212
www.blm.gov/royal-george-field-office

27 July 2023

In Reply Refer To:
1400-752 (COF02)

MEMORANDUM - ADMINISTRATIVELY CONFIDENTIAL

To: Melissa Shawcroft, Rangeland Management Specialist, San Luis Valley Field Office

From: Keith Berger, Field Manager

KEB 7/28/23

Subject: Advance Written Notice of Proposed 14-Day Suspension Without Pay

Through this memorandum, I hereby notify you of my proposal to suspend you for fourteen (14) calendar days without pay, from your position as Rangeland Management Specialist (RMS), Bureau of Land Management (BLM), San Luis Valley Field Office (SLVFO), duty-stationed in Monte Vista, Colorado for the charge of discourteous conduct and failure to follow instructions. Consistent with 5 U.S.C. Chapter 75 and 43 CFR 20.502 and 370 DM 752, I am proposing these actions against you for such cause, described herein, as will promote the efficiency of the federal service. Your suspension, if sustained in writing Alfred Elser, District Manager, Farmington Field office (FFO) NM, the deciding official in this matter, will become effective at the earliest practicable date after your reply or replies has or have been received and considered or, if no written reply is received and no oral reply is requested, at the earliest practicable date after your seven (7) day response period ends.

Factual and Procedural Background

As a GS-0454-11 RMS, you are responsible for performing duties that involve professional work conserving, developing, and managing public rangelands. The RMS serves as a rangeland resource consultant and advisor to the Field and/or District management team, land users, and interested publics. They also act as the principal contact and negotiator for multiple use management within the field/district office. The specialist reviews range permit applications to ensure compliance with appropriate federal law ensuring the impacts to the range and grassland ecosystem are properly mitigated. They also process protests and appeals, prepare casework in preparation for hearings and appear as an expert witness when necessary. The RMS should participate as a leader or member of interdisciplinary teams charged with addressing particularly difficult issues. They are required to develop, maintain, and revise planning documents in the district/field office for the range program in accordance with established Bureau planning schedules. The specialist serves as principal specialist for development and revision of allotment

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management plans. They participate in monitoring on going rangeland construction and development projects in the district/field office. The RMS must prepare both long and short range land use plans for the in consultation with federal and non-federal agencies and the public. They also perform a wide range of professional and administrative duties associated with BLM's rangeland management program including: use authorizations, detecting and resolving unauthorized use, and range improvement planning serves as the principle investigator and negotiator on livestock grazing unauthorized use cases, and makes recommendations for case settlement and closure. The specialist also works closely with senior management in coordinating and consulting with local Tribal Councils, State agencies, special interest groups, other federal agencies, and the general public, concerned with the proper protection and conservation of rangeland ecosystems.

On December 14, 2022 you sent an email to Dario Archuleta, Assistant Field Manager, SLVFO, cc'ing Catherine Cook, Rocky Mountain District (RMD) Manager and me stating, "...It is just that BLM mgt basically has no gumption or desire to put themselves out there in an external conflict that might be noticed like the Bundy case. So in the end it will take a manager that has some desire to do what is right for the resources and either impound them or have citations issued. We are spinning our wheels trying to handle a long-term criminal livestock trespass situation administratively with issuing grazing bills or proposed and final decisions that have no affect [sic] on them and never did...."

You were advised in writing of your unprofessional conduct at that time. "As we discussed earlier today, I would also like to address what I feel is the unprofessional tone of your email. While it is appropriate for you to make management aware of your concerns, there is no place for the accusatory and demeaning tone that you used in the email. Phrases like, "... BLM mgt basically has no gumption or desire to put themselves out there..." or "in the end it will take a manager that has some desire to do what is right..." come off as sounding very personally accusatory and disparaging. You are free to express legitimate concerns to management, and we can continue to have discussions on how to refine, clarify and improve this approach. But it is also my expectation that we do so in a professional manner and that you refrain from unprofessional, accusatory, or personal attacks or insinuations in these conversations. I have found over the years that tends to be very detrimental and not conducive to good team environment. BLM is committed to a professional workplace and personal insinuations have no place in that workplace..... I recognize that you are frustrated with the current approach the SLV has committed to. I also I understand how that frustration can spill over in an email and sometimes it's easy for our tone and intent to be misinterpreted. I hope and believe that is the case with your latest email, so I would also remind you to be especially mindful of the tone of your emails and verbal communications and how they can come across."

On April 18, 2023, you sent an email to myself cc'ing Catherine Cook, District Manager, RMD and Dario Archuleta, Assistant Field Manager, SLVFO stating, "Don't think your supervisory management skills are conducive for the agency as well as for the employees you supervise. The two individuals at the Quinlan meeting the other day seemed to have the same feelings about your ability to make rational decisions as they angrily expressed to you."

You were advised in writing of your unprofessional conduct again on April 26, 2023. "Finally, Melissa, as I've cautioned you previously, in our organization we expect respectful and professional conversations and interactions. Although we may have an issue to work through or disagreements, there is no room for personal attacks, insinuations, insults, or disparaging comments. I will caution you again, to avoid disparaging or personal insults like "Don't think your supervisory management skills are conducive for the agency as well as for the employees you supervise.", or insinuations about "your ability to make rational decisions." These comments do not help foster teamwork nor help work through problems and can potentially be viewed as rude and insulting."

On June 1, 2023, you sent an email to myself cc'ing Dario Archuleta, Acting Field Manager, SLVFO; Katharine Singleton, Acting Assistant Field Manager SLVFO; Catherine Cook, District Manager, RMD and, Heather Garrison, Outdoor Recreation Planner, SLVFO, "My recommendation as a RMS is that management deal with the annual requests to changes in grazing dates that are outside the permitted dates as it specifically specifies in the handbook and in the 43 CFR regulations by issuing decisions. If this is not what you as supervisors are able to do due to maybe lack of moral and ethical maturity (as well as the transparency thing) as a supervisor than please provide me with a "Letter of Directive" which states this is my job to address and how you want it done...."

On July 13, 2023, you sent an email to myself cc'ing Lili Silva, Administrative Assistant, SLVFO, Dario Archuleta, Assistant Field Manager, SLVFO and, Catherine Cook, District Manager, RMD, "Hey Keith, You are going to have to find someone else to work on this spreadsheet. The information is right there in the case files on the first page on the grazing permit. Probably take a half a day to complete. I am quite finished with all the spreadsheets I have been given the last month or so dealing with non-permittee trespass. Management [sic] insinuates that non-permittee trespass is my job and tells me that it specifies [sic] this in my position description but then management [sic] warns me not to do the investigation/documentation of non-permittee trespass....all without any explanation of why this change in my job. I have been doing this as part of my job for over 30 years and yet now management decides to take it away from me but still insists this is my job when it comes to spreadsheets and other tasks they choose along the way. I am not being provided any logical reason behind this change. Sorry, I refuse to do this meaningless busy work that is being dumped on me and which makes it hard to do my real job all without being provided a reason behind this except that it is my job to do all these never ending spreadsheets. I know the rest of the staff at least gets a nice big monetary award for taking on trespass so just provide them a bigger one for taking on the spreadsheets too."

Basis for Proposed Disciplinary Action

The foregoing facts firmly support the following charges and related specifications. Along with the foregoing facts, the following charges, specifications, and analysis of the relevant factor(s) provide the basis for this proposed disciplinary action.

CHARGE 1: Discourteous Conduct

Specification 1: On December 14, 2022, you sent an email to myself, Dario Archuleta, Assistant Field Manager, SLVFO, cc'ing Catherine Cook, Rocky Mountain District (RMD) Manager stating that current managers have "no gumption or desire" (i.e., enterprise or initiative) and implied they had no desire to do what is right. These comments degrade the integrity of the agency and undermine the authority of your leadership team.

Specification 2: On April 18, 2023, you sent an email to myself cc'ing Catherine Cook, District Manager, RMD and Dario Archuleta, Assistant Field Manager, SLVFO stating, "Don't think your supervisory management skills are conducive for the agency as well as for the employees you supervise. The two individuals at the Quinlan meeting the other day seemed to have the same feelings about your ability to make rational decisions as they angrily expressed to you."

Specification 3: On June 1, 2023, you sent an email to myself cc'ing Dario Archuleta, Assistant Field Manager, SLVFO; Katharine Singleton, Acting Assistant Field Manager SLVFO; Catherine Cook, District Manager, RMD and, Heather Garrison, Outdoor Recreation Planner, SLVFO, stating, "If this is not what you as supervisors are able to do due to maybe lack of moral and ethical maturity (as well as the transparency thing) as a supervisor than please provide me with a "Letter of Directive" which states this is my job to address and how you want it done...."

CHARGE 2: *Failure to Follow Instructions*

Specification 1: On June 1, 2023, you sent an email to myself cc'ing Dario Archuleta, Assistant Field Manager, SLVFO; Katharine Singleton, Acting Assistant Field Manager SLVFO; Catherine Cook, District Manager, RMD and, Heather Garrison, Outdoor Recreation Planner, SLVFO, stating, "If this is not what you as supervisors are able to do due to maybe lack of moral and ethical maturity (as well as the transparency thing) as a supervisor than please provide me with a "Letter of Directive" which states this is my job to address and how you want it done...." demonstrating an active effort on your part to not perform duties as assigned or to work with your team to find the best way to conduct agency business.

Specification 2: On July 13, 2023, you sent an email to myself cc'ing Lili Silva, Administrative Assistant, RMD, Dario Archuleta, Assistant Field Manager, SLVFO and, Catherine Cook, District Manager, RMD, stating, "Hey Keith, You are going to have to find someone else to work on this spreadsheet," "I am quite finished with all the spreadsheets I have been given the last month or so dealing with non-permittee trespass," and "Sorry, I refuse to do this meaningless busy work that is being dumped on me and which makes it hard to do my real job all without being provided a reason behind this except that it is my job to do all these never ending spreadsheets."

Proposed Penalty Analysis

In selecting the appropriate penalty to propose, I considered the charges and specifications listed above, and the aggravating and mitigating factors as discussed below. Additionally, before

selecting the appropriate penalty to propose, I considered the entire record in this matter. My analysis follows.

1. The nature and seriousness of the offense and its relation to your duties, position, and responsibilities, including whether or not the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

I simultaneously considered the prominent position that you hold with the nature and seriousness of the charges and related specifications and their relationship to your position. You currently hold the important position of GS-0454-11 RMS, which requires interaction with the public, livestock grazing permittees, other agencies, contractors and Colorado State BLM and other field office staff and you represent the BLM and the SLVFO in these matters. Your position requires that you, at all times, exercise sound independent judgment and that you demonstrate, through your actions, initiative, accuracy, resourcefulness, and the ability to make decisions which reflect honesty, integrity, reason, and thought. Success in your position requires, among other things, that you instill confidence in those individuals whom you serve and with whom you work, that you follow instructions, that you behave respectfully, professionally, and trustworthily at all times, and that you work well individually and with others, and that you represent the Bureau and SLVFO in a positive way.

Your intentional misbehavior, in the form of behaving in a disrespectful or rude or discourteous manner towards your supervisor and others, evidences a lack of judgment and disdain for authority as demonstrated in emails from you on December 14, 2022, April 13, 2023, and June 1, 2023, they degrade the integrity of the agency and undermine the authority of your leadership team. The fact that you were counseled and directed to cease this behavior repeatedly after each instance, you ignored this direction and continued in this behavior increases the nature and seriousness of this offense.

Your failure to follow instructions as evidenced by your direct refusal in your email of July 14, 2023, to perform certain tasks assigned to you and follow a directive regarding assigned work undermines the Bureau's ability to complete high priority and necessary work and compromises the Bureau's mission. Additionally, your blatant refusal to follow written instructions and complete this task demonstrates an active effort on your part to not perform duties as assigned or work with your team to find the best way to conduct agency business.

Your intentional misbehavior, in the form of behaving in discourteous manner towards your supervisor, evidences a lack of judgment and disdain for authority. Your deliberate refusal to carry out assigned work significantly interferes with your ability to perform your assigned duties as an RMS, a position which demands predictable attention on critical workloads and demands that you treat all your supervisors respectfully. Because your misbehavior has a direct adverse relationship to or with your official duties and damages your reliability, dependability, and credibility as an RMS, I find your misconduct to be very serious and wholly unacceptable. On behalf of the BLM

and the SLVFO, I will not tolerate such serious misbehavior from an employee in your important position.

3. Employee's past disciplinary record.

I have considered your past disciplinary record. A review of the administrative record indicates that there exists at least one recent, previous disciplinary action against you. On September 6, 2022, several months prior to your serious misconduct addressed in this advance written notice of proposed disciplinary action, a decision was issued to you suspend you for twelve (12) days without pay for charges of Misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official government investigation, inquiry or other administrative proceeding, unauthorized use of nonpublic information, and participating in particular matters while having a conflicting financial interest. Because your recent and more serious forms of misconduct, which occurred on December 14, 2022, April 18, 2023, June 1, 2023, and July 13, 2023, represent additional and repetitive instances of misbehavior in less than one year and reject the BLM's efforts to modify your misconduct through previous, less severe corrective action, I am deeply disappointed by your misbehavior.

I find particularly troubling, and entirely unacceptable, the fact that you have behaved discourteously towards your supervisor, exhibited blatant disregard of a directive, and refused to comply with a proper order. It would seem the previous suspension did not persuade you to correct or modify your misbehavior. The opposite appears to be true. Having evaluated your previous misconduct, for which the BLM determined that corrective action in the form of a twelve (12) day suspension was necessary, I find that your conduct has not improved, but rather, has worsened, and I further find that your misconduct must be addressed through swift and firm discipline.

4. Your work record, including your length of service, performance on the job, ability to get along with co-workers and dependability.

I have observed that during the past two and a half years I have supervised you, from approximately January 2021 to now, you have generally had difficulty working with others, including two formal Harassing Conduct complaints (PB18-01) filed by other employees in December of 2021 concerning your behavior. Although the BLM determined that these incidents did not raise to the level of harassment, I found it necessary to provide you with informal counseling on February 3, 2022, on respectful, considerate, and professional interactions with your coworkers. However, your recent actions have revealed an obvious disdain for your first-level supervisor and other management including field managers and the Rocky Mountain District Manager, and an obvious disregard for following instructions for which I have issued this advance written notice of proposed disciplinary action.

5. The effect of the offense upon your ability to perform at a satisfactory level and its effect on your supervisor's confidence in your ability to perform assigned duties.

I considered the effect of your serious misconduct upon your continued ability to perform at a satisfactory level and the effect of your offenses on my confidence in your ability to perform your assigned duties in the future. Your recent misbehavior including your disrespectful, rude and

discourteous behavior towards your supervisor and others has significantly reduced my confidence in you as an employee. Add that to blatantly refusing to complete critical tasks and comply with a proper order and I am left unsettled and uneasy about your willingness to behave appropriately in the workplace. Simply put, I and others do not trust you to work respectfully, trustworthily, and reliably. I find that your misconduct jeopardizes and impairs your ability to perform your duties in a timely, reliable, independent, responsible, professional, respectful, trustworthy, and team-building manner.

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

I considered the consistency of the proposed penalty in relationship to discipline imposed upon other employees, with whom you are similarly situated. Unaware of any other BLM or Department of Interior (DOI) employee who has engaged in serious and intentional misconduct like yours, under the same or similar circumstances, and whom the Agency disciplined with a penalty less severe than a fourteen (14) day suspension, I submit that my proposal does not evidence any disparate treatment.

7. The consistency of the penalty with the agency Table of Penalties

My review of DOI's Table of Offenses and Penalties (Table), 370 DM 752, Appendix B, (December 22, 2006), which provides guidance for imposing discipline relevant to various forms of misconduct, leads me to conclude that the Table supports a fourteen (14) day suspension for your serious misbehavior, through which you intentionally behaved in a disrespectful, rude and discourteous manner towards your supervisor on toward your supervisor and managers as evidenced in your December 14, 2022, April 18, 2023, and June 1, 2023 emails. Indeed, the penalty ranges for "discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks) toward supervisors," (i.e., charges like those leveled against you in this advance written notice of proposed disciplinary action), and failure to follow instructions extend well beyond and certainly include a fourteen (14) day suspension for a second offense in either category of misconduct. It follows that proposing a fourteen (14) day suspension for your serious misconduct is consistent with the subject Table.

8. The notoriety of the offense or its impact upon the reputation of the agency.

I considered the notoriety of your misdeeds. You deliberately chose to include other SLVO staff and employees (outside of your supervisor and managers), in your discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks) toward your supervisor and managers in your email of June 1, 2023, and in the blatant manner of your failure to follow supervisory instructions as documented in your June 1, 2023, and July 13, 2023, emails. These emails degrade the integrity of the agency and undermine the authority of your leadership team. Excusing your serious misbehavior would erode confidence in the BLM and would improperly signal to those with actual knowledge of your wrongdoing that you, as a RMS, may (without consequence) behave in a disrespectful or rude and discourteous manner toward your supervisor and disregard supervisory instructions. Actual and potential knowledge of your serious misbehavior, possessed by your coworkers compels me to conclude that disciplinary action against you must be clear and firm. Accordingly, I find that

proposing your suspension, for fourteen (14) calendar-days without pay, from your position of record is warranted and appropriate and necessary to avoid an erosion of confidence in the ability of the BLM to ensure completion of assigned workloads and promote appropriate and respectful behavior of employees in the workplace.

9. The clarity with which you were on notice of any rules that were violated in committing the offenses or that you have been warned.

Solely with regard to notice, and unrelated to prior discipline, I have weighed in a manner unfavorable to you the fact that I have repeatedly and recently directed you to cease your discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks) toward your supervisor and managers in writing on December 19, 2022, and April 26, 2023. Regarding this issue, I note that despite having received such clear notice, you have repetitively ignored and disregarded my efforts to notify you of unacceptable behavior, and you have continued to engage in serious misconduct. Your notice and understanding relevant to the gravity of your misbehavior leads me to conclude that I must propose discipline against you.

10. Potential for rehabilitation.

Having evaluated your potential for rehabilitation, I find that, even after I attempted to correct your actions, you intentionally continued to behave in a disrespectful, rude, or discourteous manner towards your supervisor or managers. In addition, you have not expressed any remorse, and you have refused to accept responsibility for your actions and to modify your behavior. I have noted that recently (September 6, 2022) you were issued a decision suspending you for a period of twelve (12) calendar days for unrelated violations of Departmental regulations that were sustained by an Office of Professional Responsibility (OPR) investigation. Although those charges were unrelated to this current action, I have noted a pattern of discourteous conduct from the earlier charges of “misrepresentation, falsification, exaggeration, concealment of a material fact in connection with an official government investigation, inquiry, or other administrative proceeding” and “unauthorized use of nonpublic information.” It follows that you have revealed no intent or desire to behave differently in the future. Considering your lack of remorse regarding your misconduct described above, I find it appropriate to propose that you be suspended without pay for fourteen (14) calendar-days from your position of record.

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

I considered and found no mitigating circumstances surrounding your offenses. Specifically, I find that your misconduct was a product of your own intentional actions, neither motivated by nor resulting from, unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of any other person(s) involved in the referenced matters. Moreover, even if you had or have experienced unusual job tension and/or stress in your personal life, those issues neither excuse nor justify your chosen path of conduct, and they do not eliminate your responsibility to behave respectfully and courteously towards your supervisor or to not engage in discourteous behavior. I have also noted that you often disagree with the direction I or

management have provided on issues, including issues regarding your work schedule, work assignments or approaches to overall office wide issues. I have noted that even after staff meetings to discuss the issues or written clarification and direction from management, you continue to resist approaches other than your own, often misconstruing previous discussions or directions. However, mere disagreement with an approach other than your preferred approach is no excuse for a disrespectful, rude, or discourteous manner towards your supervisor or managers nor is it an excuse to disregard directives; or refuse to comply with a proper order. While you may not see the full value in completing the task you mentioned in your July 13, 2023, email (completing a spreadsheet) that you were directed to do, this is not an excuse to blatantly refuse to complete that assignment. Therefore, I considered and found no mitigating circumstances surrounding your offenses and affirmed that your misconduct was a product of your own intentional actions.

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

I carefully considered and rejected all alternative, lesser sanctions for the purposes of this proposed disciplinary action. Specifically, I explored the possibilities of suspending you for fewer than fourteen (14) calendar-days, of issuing a Letter of Reprimand (LOR), or issuing you a letter of admonishment (LOA). However, I rejected those options after determining that previous written direction from myself to refrain from behaving in a disrespectful, rude or discourteous manner has failed to have any effect on your misbehavior. I also rejected those lesser sanctions after concluding that any proposed discipline short of a fourteen (14) day suspension would lead you, other BLM employees, and potentially the general public to the impermissible conclusion that I, on the Bureau's behalf, condone your intentional and disrespectful or rude or discourteous behavior towards your supervisor and your failure to follow instructions. In addition, I rejected alternative sanctions because I have found, based upon the serious nature of your misbehavior, that nothing short of a fourteen (14) suspension will sufficiently deter you and others from engaging in such serious misconduct in the future. Unwilling to tolerate your serious misconduct, I have proposed your suspension for fourteen (14) calendar-days in this advance written notice of proposed disciplinary action.

Conclusion

After evaluating the above information, I have determined that the seriousness of your misbehavior and the aggravating factors described above outweigh the mitigating factors described above. Your actions as described above are detrimental to the SLVFO and the BLM and will not be tolerated. Further, I find that nothing short of proposing a fourteen (14) day suspension, without pay, will be adequate to address your misconduct. For these reasons, I am proposing to suspend you for fourteen (14) calendar-days without pay from your position of record.

Employee Rights and Procedures

You may reply to this advance written notice of proposed disciplinary action orally, in writing, or both, to Alfred Elser, District Manager, FFO, NM, who will be the deciding official in this matter. To present an oral reply and/or to file a written answer to this advance written notice of proposed disciplinary action, please contact:

Christopher Clark, Employee/Labor (ER/LR) Relations Specialist
BLM Colorado State Office
(303) 239-3947
cwclark@blm.gov

Mr. Clark will assist you, as necessary, in arranging an appropriate time for you to present, if you so choose, an oral reply to Alfred Elser, District Manager, FFO, NM. He will also ensure that Alfred Elser, receives your written reply (along with supporting affidavits and other evidence), if you choose to submit a written answer, which you should send electronically with the subject line: PERSONNEL MATTER - TO BE OPENED ONLY BY CHRISTOPHER CLARK. Your written response, if any, to this advance notice of proposed disciplinary action must be signed electronically by you or your representative(s) and cannot be transmitted by postage-paid federal government envelope or email..

You may be represented by an attorney or other representative. If you elect to use an attorney or other representative, you must identify and designate the individual(s) in writing to Mr. Clark, who will communicate that information to Alfred Elser, District Manager, FFO, NM. You must designate your representative(s) in writing by providing her or his or their name(s), email address(es), and phone number(s). The BLM may disallow as your representative any individual whose activities as representative would cause a conflict of interest or position, or a BLM employee whose release from his or her official position would give rise to unreasonable costs or whose priority work assignments preclude his or her release.

As explained above, you and/or your representative(s) (collectively "you") may reply to this advance written notice orally, in writing, or both; however, you must submit your reply or replies no later than seven (7) calendar days after the date on which you receive this advance written notice of proposed suspension. Alfred Elser, District Manager, FFO, NM in his capacity as deciding official with authority over this proposed suspension may grant you additional time to submit your response(s), if you make such a request in writing and send it to Mr. Clark, who will refer your request to Alfred Elser, for consideration.

Regardless of the method(s) through which you choose to reply, Alfred Elser, District Manager, FFO, NM will fully review and carefully consider the reply or replies that you submit. If you believe that the proposed suspension is unwarranted or unreasonable, it is important that you reply, stating completely all the facts, including any medical conditions, which support your reasons why the proposed suspension action should be rejected or mitigated by Alfred Elser, Consistent with the information above, you may furnish affidavits and other documentary evidence in support of your oral and/or written answer(s).

All documents and other materials relied upon to support this proposed suspension, as identified above, are included with this proposal. If you have any questions about your employee rights or the procedures associated with this advance written notice of proposed suspension, please contact Mr. Clark at (303) 239-3938, or via email cwclark@blm.gov.

You are entitled to a reasonable amount of official time to prepare and present your response(s), and to review the material which supports this advance written notice of proposed disciplinary action. In addition, you may use government office equipment on a limited basis for personal purposes as long as that use is in accordance with the Agency memorandum, dated June 14, 2000, regarding Policies on Limited Use of Government Equipment and Telephone Use. Please note that all personal use of government equipment must be during non-duty time unless you are using the equipment during the specified official time granted to you for the purpose of preparing your written and/or oral reply.

Alfred Elser, District Manager, FFO, NM will not make any decision until your seven (7) day response period has expired, and for the purposes of his decision, he will consider only the reasons specified in this advance written notice, the documents and other materials relied upon to support this proposed suspension, the reply or replies that you and/or your representative(s) submit to Alfred Elser, and other information or documents upon which you have received a reasonable opportunity to comment. Whether or not you reply, Alfred Elser will issue to you a written final decision, with specific reasons his decision, at the earliest practicable date. As stated above, the written decision from Alfred Elser, if he sustains this proposed suspension, will become effective at the earliest practicable date after your reply or replies has or have been received and considered or, if no written reply is received or oral reply is requested, at the earliest practicable date after your seven (7) day response period ends.

During this advance notice period, you will remain on regular duty. You must request and/or apply for leave in the normal manner.

The Employee Assistance Program (EAP), ESPYR, is available to help you assess any problems you may have and direct you to the appropriate source for help. You may contact them directly at (800) 869-0276 or on-line at www.eapconsultants.com (password: interioreap). All information you provide is strictly confidential, including the fact you contacted them.

ACKNOWLEDGMENT OF RECEIPT

Please electronically sign and date below as evidence that you have received this advance written notice of proposed disciplinary action. Your signature does not mean that you agree or disagree with the contents of the proposed suspension. While you will not forfeit any of the employee rights described above by signing below, your failure to sign will not void the contents of this advance written notice of proposed suspension.

Melissa Shawcroft/Date

Attachments/Materials Relied Upon

Attachment 1: Email traffic concerning events of 19 Dec 2023

Attachment 2: Email traffic concerning events of 26 Apr 2023

Attachment 3: Email traffic concerning events of 2 June 2023

Attachment 4: Email traffic concerning events of 13 Jul 2023

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Attachment 5: [Illegible]

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