

## NOTICE OF TERMINATION

To: T. Baridi Nkokheli  
From: Jeff Dingman  
Acting City Administrator  
Date: December 7, 2015

Pursuant to the *Human Resources Policies, 2011 Edition* of the City of Fort Smith, Arkansas adopted October 4, 2011 (the "Personnel Policies"), you are hereby notified that your employment with the City of Fort Smith is terminated, effective immediately.

### ACCORDING TO THE PERSONNEL POLICIES:

1. The City of Fort Smith follows a policy of progressive discipline to deal effectively with problems in job performance as well as violations of personal conduct standards.
2. Some violations of work rules or personal conduct standards are considered more serious than others. Therefore, the City reserves the right to apply the policy in a way considered appropriate in each case based on the seriousness of a single incident or accumulation of incidents.

### FACTS:

1. Insubordination in violation of Section III.H.

On November 23, 2015 – you were directed by your immediate supervisor to postpone the demotion of an employee. The demotion was not postponed irrespective of that direction. On November 30, 2015 the supervisor reaffirmed that the demotion was not postponed and the employee was reassigned upon reporting for work. You stated that the direction by your immediate supervisor was given in capacity as "Acting HR Director" instead of the capacity as "Acting City Administrator", but further conversation made it clear that the supervisor gave you a directive as the City Administrator. As of December 4, 2015, the employee had not been restored to his previous position. This is direct insubordination of a directive from your immediate supervisor and is a violation of city policy.

2. Solicitation of personal loan from Vendor, in violation of Section III and the Code of Business Conduct, Section II.

It has recently come to the City's attention that you solicited a personal loan from Roger Williams, an employee of River City Hydraulics, a vendor with which the city does business. Mr. Williams was interviewed and provided a statement that he loaned you \$4500 on a 30-day basis, and that such loan was paid back by you within that timeframe. Mr. Williams acknowledged that he did

not know you well on a personal basis, and acknowledged that his company was doing business with the city, particularly the Department of Sanitation, at the time and he and his superiors at River City Hydraulics wanted to maintain favor for the city's business by loaning you the money. The fact that the request was made was inappropriate and a violation of city policy irrespective of any stated intentions that such arrangement was not made in order for the vendor to gain favor with the city for business considerations.

3. Solicitation of personal loan from subordinate employees in violation of Section III and the Code of Business Conduct, Section II.

It has recently come to the City's attention that on multiple occasions, you solicited personal loans from subordinate employees, specifically Joseph Hopper and John Barnes. Such employees have stated that such loans were accommodated, at least in part, in order to maintain favor with you as their department supervisor. This is a misuse of your position as the employees' immediate supervisor and as such is a violation of city policy.

4. Misuse of city equipment and personnel for repair of personal vehicle, in violation of Section III. and the Code of Business Conduct, Section II.

It has recently come to the City's attention that you have directed your subordinate employees to repair a personal vehicle while on city time, using city facilities, and using parts belonging to the city, including tires. This has been substantiated by both former and current employees, including Joseph Hopper, John Barnes, and Terry Rankin. This is a misappropriation of city personnel and assets, and misuse of your position in violation of city policy.

DISCIPLINARY ACTION:


The reported facts have been substantiated to the satisfaction of your immediate supervisor, and are serious violations of work rules and personal conduct standards established by city policy. Therefore, your employment with the City of Fort Smith is hereby terminated, effective immediately.

You are hereby directed to return any city issued property to me, including cell phone, tablet, cameras, other electronic equipment, access cards and keys. You are also hereby directed to not appear on the premises of the Department of Sanitation without the presence of myself or my designated agent. Arrangements may be made via telephone for the collection of your personal belongings from city property, and a date and time may be established for you to collect such property.

Delivered to employee on  
December 7, 2015

  
Jeff Dingman  
Acting City Administrator

In the presence of:

  
12/7/15