



Ken Bramlett  
Inspector General

**OFFICE OF INSPECTOR GENERAL**  
*City of Albuquerque*

P.O. Box 1293, Suite 5025  
Albuquerque, New Mexico 87103  
Telephone: (505) 768-3150  
Fax: (505) 768-3158

---

**Report of Investigation and Review**

**FILE NO:** 20-0011-I

**DATE:** October 28, 2020

**SUBJECT:** Whistleblower Complaint, Sexual Harassment, Retaliation

**STATUS:** Final

**INVESTIGATOR:** JOC

DocuSigned by:

*Ken Bramlett*

CA8831673B7941D...

KENNETH BRAMLETT, INSPECTOR GENERAL  
OFFICE OF THE INSPECTOR GENERAL

DocuSigned by:

*Edmund E. Perea, Esq.*

645A1EA5A6314C3

EDMUND E. PEREA, ESQ.  
ACCOUNTABILITY IN GOVERNMENT OVERSIGHT COMMITTEE CHAIR

**DISTRIBUTION:**

President, City Council  
Chief Administration Officer  
City Attorney  
Accountability in Government Oversight Committee  
Department of Municipal Development Director  
File

## Executive Summary

The Office of Inspector General (OIG) conducted an investigation based on information received regarding the Department of Municipal Development (DMD) Security Division. An employee (E1) stated they made a complaint to management regarding an inappropriate relationship between a direct report (E2) and one of his subordinates. The employee also reported concerns of other inappropriate and unprofessional workplace behavior. Since making the complaints, the employee stated they have been moved six times in seven months and currently has been assigned a post normally assigned to a lower level position. Prior to making the complaints to supervisors, the employee had 26 direct reports and currently has none. The complainant stated these moves and reassignments are in retaliation for making the complaints about policy violations. The complainant feels there has been both outward aggression and passive aggressiveness demonstrated towards her. The complainant feels ostracized by her coworkers and feels that management has had a hand in creating a hostile work environment for her.

During the course of the investigation, the OIG reviewed E1's timecard records, HR records and City policies. The OIG also interviewed several employees, as well as DMD HR, DMD Deputy Directors and the Division Manager for DMD Security.

The OIG learned that Robert Caswell Investigations (RCI) had initiated an investigation in March 2020 based on E1 alleging a hostile work environment and sexually harassment occurring. As part of the investigation, DMD Directors and HR reassigned E1 to a different Division within DMD to move her out of the hostile work environment she said she was in. Shortly after E1 was temporarily reassigned, the COVID crisis hit and the position that E1 was reassigned into was deemed non-essential and she was directed to stay home on COVID-related leave.

RCI's investigation concluded in July 2020 with a finding of unsubstantiated. E1 was assigned back to DMD Security and reported back to work on August 3, 2020. DMD management and Directors confirmed that E1 was assigned to a post on the 11<sup>th</sup> floor of City Hall, the floor the Mayor's office is on. They explained that due to recent events, the Mayor and Administration wanted to increase security on the 11<sup>th</sup> floor and requested that a DMD Security employee at the supervisor level be posted on this floor. In addition, E1 had expressed to the Deputy Director for Security (DD1) that she did not feel safe returning to DMD Security's main offices and did not feel comfortable being around the other DMD employees and management. E1 being assigned to the 11<sup>th</sup> floor post was for the purpose of filling the needs of City Administration, E1 and Division management.

The OIG reviewed E1's timecard records and looked at the time period between January 1, 2019 and March 2020 when E1 was reassigned to a different division. E1's schedule had been changed four times in a seven-month period (between June 2019 and January 2020). E1 stated she had been moved six times in seven months. The Security Division Manager (DC) explained that employees who are in supervisory level position are expected to "fill the gaps", go where needed, and meet whatever needs the Division has.

There is no City policy or Division policy with regard to supervisors and subordinates being involved in a romantic-type relationship. Therefore, there was no policy violation. Division employees acknowledged that in the past there have been relationships between subordinates and supervisors. However, it is the understanding that as long as a subordinate was not a supervisor's direct report within the Kronos timekeeping system, there should be no issue. Employees acknowledged that regardless, this could still be problematic.

The OIG spoke with several Security Division employees and the general consensus among the employees was that they did not really see or feel that the female employees were treated differently than the male employees. However, one female supervisor expressed that she did not feel respected or taken seriously by the Officers or even by some of the other supervisory employees. Employees stated that they had not really witnessed any inappropriate behavior. Some employees stated inappropriate behavior and language was prevalent under previous management, but not under current management.

**Conclusion:**

There is insufficient evidence to support E1's allegations of sexual harassment or retaliation.

The OIG is making the following recommendations:

1. That management ensures that all DMD Security Division employees take the anti-harassment training required by the City.
2. That management and staff of the DMD Security Division consider taking sensitivity training.
3. That HR considers creating and implementing policies and procedures that address the scenario of a subordinate and supervisor being involved in a romantic-type relationship.
4. That management update SOPs for the DMD Security Division.
5. That management ensure Basic Annual Reviews for employees (employee performance reviews) of DMD Security Division staff are completed according to City policy.

## Abbreviations

CAP:	Captain/Assistant Division Manager for DMD Security
DC:	Deputy Chief/Division Manager for DMD Security
DD1:	Deputy Director for DMD Security
DD2:	Deputy Director for DMD CIP
DMD:	Department of Municipal Development
DMD HR:	Senior Personnel and Labor Relations Representative for DMD
E1:	Complainant/DMD Security Employee 1
E2:	Sergeant/DMD Security Employee 2
E3:	Lieutenant/DMD Security Employee 3
HR:	Central Human Resources
OIG:	Office of Inspector General

## Introduction

The mission of the Office of the Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque (City) in order to safeguard and preserve the public trust. A complaint was received by the OIG that expressed concerns about the Department of Municipal Development (DMD) Security Division.

According to the complaint, an employee (E1) brought concerns to her supervisors regarding an inappropriate relationship between one of her direct reports (E2) and one of his direct reports. The employee also reported concerns of other inappropriate and unprofessional workplace behavior. Since making the complaints, the employee stated she has been moved seven times in six months and currently has been assigned a post normally assigned to those employees who hold a lower level position. Prior to making the complaints to her supervisors, this employee had 26 direct reports and currently has none. The complainant stated these moves and reassignments are in retaliation for making the complaints about policy violations. The complainant feels there has been both outward aggression and passive aggressiveness demonstrated towards her. The complainant feels ostracized by her coworkers and feels that management has had a hand in creating a hostile work environment for her.

## Scope and Methodology

The OIG's investigation will focus on the E1's complaint about being ostracized and retaliated against for reporting policy violations and expressing other concerns to management. The methodology will consist of:

- Review of pertinent documents to include emails, employee information, timecard and schedule information, organization charts and job descriptions;
- Review of relevant City Ordinances, personnel rules and regulations, and department SOP's;
- Interviews of relevant staff members and City personnel.

## Investigation

The City of Albuquerque's DMD oversees the Security Division, which provides uniformed security services at City-owned facilities in an effort to establish a safe and friendly environment for both visitors and employees. In September 2018, new management took over the Security Division. The Division is headed by the Security Manager, also referred to as the Deputy Chief of the Division (DC). In August 2019, an Assistant Security Manager was hired, also referred to as the Captain (CAP). The Division is also made up of Security Officers, Security Supervisors/Sergeants, and Security Superintendents/Lieutenants.

E1 is currently a Lieutenant with the Division and was promoted to this position in February 2020.

E1 stated that earlier in the year, around the time of her promotion, she heard that one of her direct reports (E2) was potentially romantically involved with one of their subordinates. E1 brought this to the attention of her direct supervisor, CAP, as she was concerned that such a situation could be problematic. E1 indicated that CAP did not address the issue and instead allegedly dismissed it as rumor. Approximately one week later, DC learned of the possible involvement between the supervisor and subordinate during a meeting with CAP and E1 and wondered why this was not brought to his attention sooner. According to E1, CAP became upset because DC allegedly called him out on not handling the situation correctly. Approximately a week and a half after that, E1 indicated that CAP informed her that he was considering changing E1's schedule back to swing shift. E1 had just recently come back onto the day shift from swing shift, and she felt that CAP wanting to change her schedule back to swing shift may have been punishment for what occurred regarding the alleged supervisor and subordinate involvement. E1 told the OIG that she had been moved six times in seven months and indicated that she pointed out to CAP that the rotation of shifts is not equal amongst the Lieutenants. E1 also shared with the OIG that she has had other issues with CAP loudly "berating" her over the phone, including one time when she was with a couple of Sergeants.

On March 6, 2020, E1 received an Interoffice Memorandum with the subject line: "Temporary Transfer of Reports to, Work Hours and Location". The memo was to inform E1 that effective March 9, 2020 she was being temporarily transferred to another division within DMD. This temporary transfer was a result of an investigation into allegations of a "hostile work place" that E1 had brought forth.

On March 16, 2020, E1 received another Interoffice Memorandum informing her that due to COVID-19 social distancing she was being directed to stay home until further notice.

On July 30, 2020, E1 was issued a letter informing her that the issues she raised in her complaint had been thoroughly investigated and that the investigation has been completed. The letter also informed E1 that based on the investigatory findings, the allegations were not substantiated.

E1 returned to the Security Division on August 3, 2020. However, E1 was directed to report to a post that was on the 11<sup>th</sup> floor of City Hall (Mayor's office and City Administration). E1 expressed concerns that she was "functionally demoted" and that this particular post was normally assigned to an Officer. E1 shared that she no longer had any direct reports and that this particular post involved her sitting at a desk checking people in and that the desk had nothing more than a phone on it. E1 also shared concerns that there had been a new camera installed and the vantage point

was directed at the desk she sat at. In addition, from what she understood, the feed for the camera went only to the monitors at the main Security Office on 4<sup>th</sup> St. The feed from the camera did not go to the Security office that was directly downstairs on the main floor of City Hall. E1 felt that being assigned to this particular post was another form of retaliation against her by her supervisors and she was further ostracized from the other Security employees.

### **Review of Kronos**

E1's timecard information from the City's Kronos time management system was reviewed to determine the shifts E1 was working, as well as if shift changes may have taken place, and if so, when. The timeframe reviewed was January 1, 2019 through September 29, 2020.

**January – June 2019:** Most of E1's shifts are from approximately 8:00 AM to approximately 4:00 PM, showing E1 was working day shift.

**July 2019:** E1's schedule for the month starts with day shift, but then switches to swing shift approximately half way through the month (approximately 2:00 PM to approximately 10:00 PM).

**August 2019:** E1's schedule for the month starts with swing shift, but switches to day shift approximately half way through the month.

**September - November 2019:** E1's schedule for the month is day shift, with E1's shift starting at approximately 7:00 AM.

**December 2019:** E1's schedule for the month starts with day shift, but by the second week to switches to swing shift.

**January 2020:** E1's schedule for the month appears to start with swing shift, but then switches to day shift approximately half way through the month.

**February 2020:** E1's schedule for the month appears to be day shift, with E1's shift starting at approximately 7:00 AM.

**March 2020:** E1 started the month on day shift. However, effective March 9, 2020 E1 was temporarily reassigned to the Facilities & Energy Management Division of DMD. E1 then received a memo on March 16, 2020 notifying her that as a nonessential employee she was being given the directive to stay home until further notice due to the COVID-19 pandemic and the City's efforts to maintain social distancing and a safe and healthy workplace.

**April-June 2020:** E1 remained on COVID leave under PEW, which is a COVID payroll code.

**July 2020:** E1 remained on COVID leave under PEW, which is a COVID payroll code, as well as PEC, which is the payroll code for COVID Child Care Leave.

**August 2020:** E1 returned to the DMD Security Division and was assigned to the Mayor's detail at a post on the 11<sup>th</sup> floor of City Hall, which was during day shift. Effective mid-August, E1 was on Family Medical Leave (FMLA).

**September 2020:** E1 was on FMLA until mid-September. E1 then returned to the 11<sup>th</sup> floor post at City Hall during day shift.

E1 expressed concern that her shift had been changed six times in a seven-month period. Kronos records show E1's schedule changed four times in a seven-month period (between June 2019 and January 2020).

Kronos records for the other three Lieutenants were reviewed. Kronos showed that one Lieutenant's shift changed around and seemed to vary over the course of a three-month period. This seemed to happen approximately three times over this three-month period. Another Lieutenant's shift was changed once in an eleven-month period. The third Lieutenant did not appear to have any shift changes. However, this Lieutenant also showed a large amount of various leave and FMLA during the time period reviewed.

### **Review of Employee File**

E1's employee file on record with Central Human Resources (HR) was reviewed. There was no record of any disciplinary action against E1. The most recent employee evaluation found in E1's file was in 2015. Sometime around late 2016/early 2017 the City went to an electronic format of doing employee performance reviews. The HRIS Coordinator researched E1's employee information in PeopleSoft and found that only one employee evaluation had been started for E1. The Basic Annual Review had been initiated in July 2019, but was not completed.

The OIG also inquired about policies regarding employees being romantically involved with a direct subordinate or supervisor. Per the HR Director, currently there is no City policy with regard to that specific situation. She indicated that the City is working on putting a policy in place with regard to this particular situation. However, at this time, the City only has a policy with regard to nepotism, which is stated in Employee Rules and Regulations Section 300 Conditions of Employment.

Interviews were conducted with several members of DMD staff and attached as an appendix.

## **CONCLUSION**

There is insufficient evidence to substantiate E1's allegation of sexual harassment.

There is insufficient evidence to substantiate E1's allegation of retaliation.

## **RECOMMENDATIONS**

1. Management ensures that all DMD Security Division employees take the anti-harassment training required by the City.
2. Management and staff of the DMD Security Division consider taking sensitivity training.
3. HR considers creating and implementing policies and procedures that address a subordinate and supervisor being involved in a romantic-type relationship.
4. Management update SOPs for the DMD Security Division.
5. Management ensures Basic Annual Reviews (employee performance reviews) of DMD Security Division staff are completed according to policy.



# Appendix

## Interviews

### Interviews with Division Employees

The OIG spoke with various employees within the Security Division. Many shared that a few years back the Security Division had many issues and that the previous management did not do much to address the issues or improve the environment. Employees stated that back during this time, there was a lot of inappropriate talk and behavior that was occurring and that some members of the female staff did not feel respected or supported. Employees stated that when new management took over, things did change and were different, and that many of the long-standing employees who were there under previous management retired or left for various reasons.

The employees shared their thoughts and feedback regarding new management. Some stated that new management did have a different management style which took getting used to. Some employees shared that they did not always know when DC was serious or when he was joking. They shared an example of times when DC would issue a task and then follow it with a “jovial” comment, but there were times when DC would ask “Are you not understanding how I’m coming across?” Other employees stated that new management was “like a breath of fresh air” and that things were much better compared to what they were.

Employees shared that CAP was very serious. His personality and leadership style were very no nonsense and direct. There were some employees -- both male and female -- who took his directness the wrong way.

One employee pointed out that it is a different dynamic and culture within Security because there is a mix of those who came from corrections, law enforcement, and the military; so, there are some things that were normal for most because of their previous backgrounds. However, there may be other employees who might take offense to or misunderstand some things. Though this would also highly depend on the individual and how they view things.

The general consensus among the employees was that they did not really see or feel that the female employees were treated differently than the male employees. However, one employee in a supervisory position shared that she did not feel she was respected or taken seriously by the officers or even by some of the other supervisory employees. During a separate interview, another female employee shared that she has witnessed negative treatment of this particular supervisor. The employee explained that from day one of this female becoming a supervisor, she has “just been treated like crap from everybody” and does not really have a support system aside from two of the Sergeants. This employee was not sure if management was aware of this.

The general consensus among the female employees the OIG spoke with was that they felt fine with speaking up if they felt something was not right. This included the language or behavior of others. These employees did not feel that their speaking up was ill received or ignored.

There is no policy regarding a supervisor being romantically involved with a subordinate. Staff believed that as long as an employee was not a supervisor’s direct report within Kronos, there

should be no issue. However, employees provided the following situation in which this could be problematic:

A supervisor and subordinate are romantically involved, but the subordinate is not the supervisor's direct report. However, if there is a situation in which all other supervisors are absent from work, the subordinate then becomes the direct report of the supervisor they are romantically involved with.

### **Interview with Security Division Deputy Director**

DD1 shared that in March 2020 Robert Caswell Investigations (RCI) investigated E1's complaint(s), but from what he understood, no policy violations were found. DD1 did not know any details about the investigation or its findings. He only knew that it was determined there was an "unhealthy" work environment, but there were no policy violations.

DD1 shared that he spoke with E1 on July 30, 2020 and that E1 disagreed with the outcome of the investigation and wanted to be reassigned elsewhere. He stated that E1 expected Human Resources (HR) to find another job for her, to which he tried explaining to her that it is not that simple and that they cannot place her just anywhere. A mediation between DD1 and E1 was held via Zoom on August 3, 2020. The mediation did not result in any different outcome. E1 had expressed that she did not feel "safe" returning to the DMD Facilities Security offices on 4<sup>th</sup> St. DD1 shared that Division employees were aware that E1 had recorded meetings and other discussions and there were employees who felt as though they had been "burned" by E1. As a result, DD1 stated that employees are very guarded around E1.

DD1 confirmed that upon the initiation of the RCI investigation, E1 was reassigned to the Building Maintenance Division of DMD. This was based on E1's allegations of a "hostile work environment". He added that he learned it was standard procedure to reassign employees when there is an allegation of a hostile work environment. E1 was reassigned to a position that ended up being deemed as nonessential when the COVID crisis hit, and as a result, E1 was sent home on COVID-related leave.

The investigation and subsequent mediation took place between March 2020 and August 2020. E1 was informed that the conclusion of the RCI investigation was that the allegations were unsubstantiated. DD1 stated that E1 was quite upset by this conclusion and was resistant to returning to the 4<sup>th</sup> St. office as a result. He stated that E1 wanted HR to find another job for her.

DD1 explained that around that time, the City Administration was wanting to increase security measures on the 11<sup>th</sup> floor, as there had been some issues with citizens and the homeless making it up to the 11<sup>th</sup> floor and even into the Mayor's conference room. The Administration had already planned to install another camera on the 11<sup>th</sup> floor and City Administration had mandated that the Security division have an Officer posted up there as well. DD1 stated that the Division did not have Officers readily available who could just be placed at this post. However, when E1 expressed that she did not feel comfortable or safe returning to the 4<sup>th</sup> St. office, he figured this was the solution to the Administration's mandate; the Administration had a need for security to be posted on the 11<sup>th</sup> floor and E1 expressed the need to be away from the other security employees. He

shared that E1 was also not happy about this suggestion and expressed that she would not be doing any of the duties she was hired for as a Lieutenant if she was at the 11<sup>th</sup> floor post. She was also not happy with the idea of this post because of her perception of what it meant for her. DD1 stated that he was between a rock and a hard place because E1 did not want to be at the 4<sup>th</sup> St office. E1 eventually but reluctantly agreed to be assigned to the 11<sup>th</sup> floor post. DD1 confirmed that E1 currently does not have any direct reports. This is in large part to E1 not wanting to be around the other Security Division employees. DD1 also pointed out that with the E15 lieutenant positions, they have to “fill the gaps” more frequently and they have to go where they are needed.

DD1 felt that if anything out of the ordinary occurred, then E1 seemed to take it as something personal against her. DD1 stated that at one point he asked E1 why she thought everything was focused on her. However, he stated E1 never answered this question. By asking E1 this question, DD1 was trying to determine if she thought it could be possible not everything was directed at her and perhaps not everything was meant to be a slight against her. He stated that from his viewpoint, the other employees are not focused on being against her. However, DD1 went on to say from what he has observed, the other employees are guarded around E1. He stated one of the other employees who helped E1 in whatever way he could seemed to feel hurt and insulted that E1 had brought him up in her allegations. DD1 indicated this was an employee who was very likeable and seemed to get along with everybody.

DD1 stated that E1 seemed to really have issue with CAP. DD1 had hoped CAP leaving the Division would provide some sort of relief to E1 to the point where she would feel safe in the workplace. However, in the end he felt this did not seem to be the case. DD1 clarified that CAP transferring to another Department was a personal decision that CAP made. It was not a force transfer and did not have anything to do with the investigation.

With regard to DC, DD1 described him as being very black and white. DD1 stated that DC is intelligent, but at times makes decisions too quickly. From what DD1 understood from the RCI investigation, DC had made disparaging remarks about both he and DD2 in Division meetings. He indicated that the meetings tended to go from professional to a little bit “looser” talk. There were no violations of policy during these meetings, but there could have been better decorum during the meetings. At one point, DD2 oversaw the Security Division prior to DD1 coming on board. DD1 described both DD2 and DC as being headstrong individuals who had some management disagreements.

## **Interview with Deputy Director 2**

DD2 stated that E1 went to both he and the DMD Director with concerns about unfair treatment and feeling singled out because she was a female. E1 expressed that she felt she was in a “good ‘ol boys” environment and that she was not included in conversations. An investigation was initiated, though DD2 did not see the final report or the findings; these went to the Director. However, DD2 felt that there seemed to be fault and questionable actions on both sides. E1 was audio recording meetings and from what DD2 understood, there was a lot of “smack talking” about the Deputy Directors from DC during these meetings.

DD2 was aware that E1 was previously with the Parking Division of DMD and shared that around the same time that he came on board with the City, E1 was transferred out of the Parking Division

and into the Security Division. DD2 did not know the specifics as to why, but from what he understood there were some similar issues or concerns such as discrimination and improper behavior and environment. As a result, the decision was made to move E1 out of Parking and to make a “clean break”.

DD2 shared that DC’s management style is not his management style; DC tends to like to have control a bit more and can be pretty strict. However, DC can also generally be very respectful. DD2 has not heard DC talk disrespectfully or be rude. DD2 is aware that E1 is currently posted to the Mayor’s detail on the 11<sup>th</sup> floor of City Hall. He feels that E1 is actually at a good post. He stated that it is an important post; the person assigned to that post is essentially serving as an ambassador to the Mayor. He explained that you want somebody with experience up on the 11<sup>th</sup> floor; this is not a position that is well suited for a new security employee.

The OIG asked DD2 about the new camera that was installed on the 11<sup>th</sup> floor. DD2 stated that the new camera was installed by the CIP division, which he is Deputy Director of. He explained that the cameras are networked and anybody with the password can access the feed to the camera. He further explained that the vantage point of the camera was placed for optimum visibility to see who is coming through the doorway. The wiring for the camera was done approximately six to eight months ago. There was also the intent to install multiple cameras on the 11<sup>th</sup> floor. These measures add to the safety for those who are on the 11<sup>th</sup> floor, to include security personnel. DD2 stated that there were many discussions about “beefing up security” on the 11<sup>th</sup> floor that started long ago.

### **Interview with DMD HR**

DMD HR shared that E1 received a Notice of Investigation on March 11, 2020. The investigation was initiated after E1 had met with the DMD Director and DD2 to share her concerns of a hostile work environment within the Security Division. It was suggested that E1 needed to reach out to HR with her concerns. According to DMD HR, E1 never went to him with her concerns; she never provided specifics to DMD HR nor told him what was going on. However, the DMD Director did reach out to DMD HR and let him know of the concerns that E1 had relayed. That is when DMD HR opened up an investigation. He explained anytime concerns of a hostile work environment are brought up, HR has to investigate.

DMD HR confirmed that E1 was reassigned from the Security Division to Facilities and was doing clerical work. He explained that whether an employee is reassigned elsewhere during an investigation is dependent on the circumstances and issues being investigated. E1 was reassigned because her allegations were that of a hostile work environment and her location was physically where she claimed the hostile work environment took place. The decision to reassign E1 was made at the hands of DMD HR, the DMD Director and Deputy Director, not E1’s supervisors within the Division.

DMD HR shared that in February 2020 E1 had a meeting with DMD HR and the Assistant HR representative for DMD. E1 was in charge of recruitment and during this meeting brought up training as well as a recruitment event at the Fiery Foods Show which did not go well. According to DMD HR, E1 also asked if she could be excused to go to some more training at UNM. During that meeting DMD HR and the Assistant HR informed E1 that they do not have the authority to provide approval for her to go to training and she needs to go through her proper chain of command

to request this. DMD HR stated that after that meeting, sometime down the road, E1 then made a comment along the lines of: "Well I tried to go to HR to tell them I was in a hostile work environment, but they wouldn't listen to me." DMD HR stated that is never what E1 told he and the Assistant HR in that February meeting. The meeting had to do with E1 wanting to go out and do some training and recruitment and how things did not go well at the Fiery Food Show recruitment event. DMD HR stated that E1's response was "Well I was trying to tell you all but you wouldn't listen." DMD HR told E1 "I'm just making it clear that's not what was said." E1 then responded "Well I know that's not what was said, but that's what I was trying to say." (with regard to reporting a hostile work environment). DMD HR shared that for a while E1 felt that HR was not supportive of her. He stated that he let her know that if she is having a meeting with them and has concerns, then she needs to come right out and say what her concerns are and not hint at concerns in hopes that others pick up on what she is trying to get at with those hints.

During the investigation that took place, DMD HR stated that one of the other concerns E1 brought up during her conversations with the investigator was that sexual harassment was occurring. He stated that E1 was the only person within the Security Division who made mention of sexual harassment, and she never brought it up directly to DMD HR. He stated that before the E1 investigation, information was actually relayed to him from CAP. CAP reached out to DMD HR and stated that he wanted DMD HR to know that there was an incident where a supervisor and an employee, or two Officers, were talking and sending text messages back and forth. CAP never described this as sexual harassment; it was two individuals talking and texting. Both employees were called in and both indicated that it was just a few texts between the two of them and nothing more; they stated there was nothing physical or romantic going on. However, during E1's investigation she made a claim to the investigator that there was sexual harassment occurring. From what DMD HR understood, the investigator looked into the claims of sexual harassment and asked those in the Security Division about it, but everybody said that nothing like that had taken place. The investigator indicated that he could keep pushing and looking into the concerns of sexual harassment; however, if everybody maintains that nothing like that took place and if E1 does not have any physical evidence or no other individuals are coming forth with the same concerns, then there was not really anything further that the investigator could do. DMD HR added that if the two Officers in question report that they were only texting and nothing else happened, there is also nothing further DMD HR can do with regard to alleged sexual harassment.

E1 was issued a letter on July 30, 2020 notifying her that the investigation concluded and had been closed. DMD HR was present when E1 was given the close-out letter. DMD HR stated that E1 was not happy with the results of the close out letter and was not happy being under the Security Division. He stated that E1 did not really provide suggestions or input for where she wanted to be transferred and had told DMD HR "I thought that was your job."

### **Interview with Division Manager**

DC stated that early on E1 had expressed she was looking forward to getting promoted; that was something she had wanted to do. DC's response was Ok, let's see what we can do to get you promoted, whether that was getting together a team or helping her with interviews. E1 had gone to DC after she felt she had struggled in some interviews, so they sat down together to discuss pointers and what she could do to perform better in her next interview. DC stated that E1 did get

better, to the point that E1 did get promoted eventually. DC then commented that it was then a few days after E1 got promoted that she filed her complaint, which DC described as “interesting”.

DC stated that from what he understood, E1 was transferred to the Security Division as an M14 Lieutenant. DC confirmed that the Division is working on converting M14 Lieutenant positions to E15 Lieutenant (Security Superintendent) positions. He shared that one of the concerns E1 had was she would often state that as an M14, she did not feel like a “real Lieutenant”. That caused DC to question the purpose of having that separation of the M14 and E15 Lieutenant positions, and he then began the process of eliminating the M14 positions so that there is only one type of Lieutenant across the board, which is the E15 position.

DC stated that during the time E1 was still an M14, she was told that if she had work that she needed to get done and it was going to lead to overtime, then she just had to inform DC or inform the Assistant Division Manager (a/k/a Captain) and they would have no problem approving the overtime. E1 had no restrictions other than she had to ask to be approved to put in overtime, which was per the M-series union contract. Sometimes E1 would not ask for this approval beforehand and so she would just say something like “I have to stop now, it’s time to go”, or she would just clock out even if she still had work or assignments to do.

With regard to E1 promoting to an E15 Lieutenant from an M14 Lieutenant, the OIG asked about DC’s alleged comment that as long as she did not “burp or fart” she would be promoted. DC commented that this was an awkward statement and that E1 had interviewed for the position before and had struggled in the interviews. He stated that he gives E1 credit, because she followed up and asked if there was anything she could do in order to do better in future interviews. She would recognize and say “Hey I didn’t do well in that interview. How can I do better?” DC, along with others, sat down with her to help her and give her hints and tips as to how she could improve her interviewing skills. DC spent extra time with E1 trying to help her. He stated nobody has just given a job to E1, and he certainly does not have the attitude of “show up and you’ll get it”. He is not the type of person who is going to give someone a job. He stated it did not make sense, and if that was the case, then why would he not have “given” the job to E1 before.

The OIG asked DC about E1’s concerns that her shift had been changed six times in a seven-month period. He did recall this and stated that there were a number of individuals who had switched shifts. DC explained that part of this was to fill a need. One of the things DC discovered with some of the different shifts was that there was not enough supervisory attention on some of the shifts, especially the overnight (graveyard) shift. Being in those supervisory level positions you go where needed; sometimes it was E1 and sometimes it was other supervisors. DC stated this was standard practice and it was not about picking on anybody. DC could not say whether the other supervisors’ shifts were changed as often as E1’s; however, he pointed out that there is a hierarchy as far as rank and who the newest person is in a particular position. Often times even with union contracts, you start with the newest or most recently promoted person. However, he also tries to make things fair so it is not always the new person being picked on. He reiterated that it is about filling a need.

DC stated that he always held a weekly “command staff” meeting where all the lieutenants and above would meet. During these meetings they would talk about everything, including gripes, complaints, problems, hypotheticals. It was during these meetings where staff would be informed

of any needs that needed to be filled. DC also commented that these meetings were some of the interactions that E1 was audio recording. DC was aware that E1 had a concern about being excluded from meetings. However, he stated that the team did not purposely exclude her from meetings and “was not like that”. DC expressed that there are “a lot of conspiracies” with E1; “Everything is a conspiracy.” He admitted that there was an instance where he called her out for this. He stated that he was not trying to use strong words, but E1’s view seems to be that “everyone is out to get her” or “has it out for her”. He expressed that he and others have gone out of their way to try and help E1, whether it be with interviews or with training or trying to help her better understand a process. He went on to say that for him, this is all a bit personal because he feels that he has tried to help her, and in turn there are now these allegations and investigations.

DC confirmed that the personalities between E1 and CAP did not mesh. CAP was ex-military and tended to be more direct and had that military mindset. For some individuals in the division who also had a military background, that directness was understood. However, it sometimes rubbed E1 the wrong way, or at least seemed to. DC stated that he had several conversations with CAP about it, letting him know that people have to be managed differently sometimes. You cannot always manage people the same way; what works for someone is not always going to work for the next person. CAP would try to make the effort, but sometimes he would give an instruction that would come across as being aggressive. DC said he never heard or witnessed first-hand anything excessive or inappropriate; if he had, it would have been addressed. DC stated that there were a number of times when there were meetings between he, CAP and E1, and these were to sit down and discuss any issues, disagreements of misunderstandings.

DC stated he always told E1 to work hard and if opportunities pop up that she might be able to volunteer for, then to go for them. He pointed out that the perfect opportunity for her presented itself at Transit. When Security took over Transit, a supervisor was needed there. DC told E1 that this was something that the Administration was watching, as well as the DMD Directors, and it would be a great opportunity for her to go show what she could do. E1 volunteered and went to Transit. DC stated that E1 did great; she went above and beyond, she worked hard, she made an impact and a difference, and showed that she could do that job. DC stated these were all key points that helped E1 and sold her to be promoted.

The OIG asked if anybody ever treated E1 differently because she was a female. DC stated not that he saw and that there are also a number of female supervisors. Certainly, if he witnessed or observed anything that was blatantly sexist he would have put a stop to it because “there is no need for that”. DC confirmed that there were some issues with E3, another Lieutenant for the Division, who tended to have a more traditional, “old school” mentality. However, DC did not see that ever being directed strictly at E1 and not in a sexist way. He did acknowledge that E3 and E1 also had personalities that did not seem to mesh very well.

With regard to the weekly command staff meetings, DC explained that the intent of these meetings is to have open conversations, whether something is irritating someone; somebody is bothering another individual; rumors are addressed; things are explained if somebody does not understand something. The meetings are not about joking and laughing, though at times it is a part of the meetings. DC stated that he tends to joke a lot, though he does try to keep the jokes professional. However, the main purpose of the command staff meetings is to have tough conversations about

uncomfortable situations at work and issues that may need to be addressed. These conversations cannot be had in front of Officers or Sergeants, unless a particular Officer or Sergeant is involved in a particular situation. If that is the case, then it is addressed with the Officer or Sergeant directly.

DC did not remember exactly how the issue involving E2 was brought to his attention, but he did what should be done which was bringing it to the attention of HR. A situation like this is not something to sit on and should be dealt with right away. According to DC, it was not out of the realm of an acceptable timeframe when the E2 issue was brought to his attention; from his recollection, it was within four days, give or take. This was not a situation where two months had passed before DC was finally hearing about the issue. It was DC's understanding that CAP had asked E2 about the situation. When HR became involved, though, the "game plan" was to interview E2 and the other Officer involved to find out what was going on. DC stated there were no findings by HR or himself of anything inappropriate going on. There were also no policy violations found. DC stated he has not heard of any other females making claims of E3 reaching out to them or communicating with them inappropriately. DC stated the Division does not have any SOPs in place that address these types of situations, and commented that the Division's SOPs are a "work in progress".

The OIG asked DC about the Wellness Check training that took place in November 2019, in which E1 was told to stay behind instead of attending the training. According to DC, there were several people who stayed behind and with a Division such as Security, the entire Division cannot be taken all at once to attend a training. He also knew that with that particular training, all that was being shown was how to log on and how to use the radio, which E1 already knew how to do. This was all that the Wellness Check training entailed and lasted approximately 30 to 40 minutes. He stated that it was not "difficult stuff" and was information that they did pass along to everybody else to catch them up. The OIG also asked DC about his alleged comment to E1: "Don't be so emotional." DC acknowledged that there were times where he recalls that being said, but not because of Wellness Check training. DC also stated that E1 was the Transit supervisor, but never the Wellness Check Supervisor, and that the Wellness Check Supervisor is something different. The OIG also asked DC about E1 asking to attend the soft rollout for the Wellness Check Program since she was not able to attend the training, and DC's alleged comment: "Is that your back-handed way of complaining that you weren't able to attend the training to make up for your shortcomings?" DC stated he never made this type of comment to E1.

DC confirmed that E1 is currently at a post on the 11<sup>th</sup> floor of City Hall. He stated that is a brand-new post, but explained that there were a couple of situations with the Mayor that led to the Administration asking for that to be a more secure area. It was long before E1 returned to the Security Division that discussions about this started happening. DC shared that he had told the DMD Director that because this was the 11<sup>th</sup> floor, his preference was to have a supervisor at that post. This was to ensure there is someone at this post who can handle the 11<sup>th</sup> floor, due to there being a lot of higher-level people who are up there. Therefore, the Security employee at that post has to be mature and they have to know how to interact with someone at a higher level. With the higher-level clientele coming through, DC wanted to make sure it was the "best foot forward" and that the Security Division was represented in the best light and that situations were handled correctly. DC stated that there were a number of supervisors who were working at the 11<sup>th</sup> floor post when it was first put into place. DC indicated that shortly thereafter, he was told to stop



having supervisors at that post and they ended up going in the opposite direction where probationary employees were placed at that post. DC commented that he was not happy about this. When the investigation with E1 wrapped up, DC thought Security could have a supervisor up at that post again. DC was not targeting E1 and this was not a punishment against her. He simply wanted to make sure there was somebody at that post who could handle it and who could represent the Division. He further explained that the other supervisors had their current assignments and responsibilities and with E1 coming back on board from the outside, DC felt that this was the easiest transition and was something that E1 could do. DC added that if an emergency were to happen, he did not want a probationary Officer up there who may not have completed training and who may not know what to do. He confirmed that it is usually an employee at the Officer level who relieves E1 at the end of her shift or for breaks and lunch. This is not meant to be anything demeaning, but rather it comes down to who can get there the quickest. He added that there are also Officers downstairs at City Hall, so when it is relief for a break or something along those lines, it is not inappropriate to have an Officer provide that relief.

With regard to the newly installed camera on the 11<sup>th</sup> floor, DC stated that was thought about, approved and planned before the E1 situation. This camera is connected to a cloud-based system and anybody who has a password has access to it. DC confirmed that he has a little tv in his office and video feed is often up and running, but it is usually around 20 images that are up and running at any given time -- everything from Civic Plaza to the 11<sup>th</sup> floor. The reason the 11<sup>th</sup> floor is usually always in the matrix is because it is the 11<sup>th</sup> floor and they want to have eyes on that floor in case there is a situation that arises or something goes bad. DC stated that the feed from the new 11<sup>th</sup> floor camera does not go down to the Security office that is located on the main floor of City Hall, because in that office is the old system, which is a hard-lined "old school" system. It is a 20-year-old system that Security is moving away from and once that conversion is done, the feed from the new camera on the 11<sup>th</sup> floor will be able to be viewed from the City Hall security office.

The OIG asked DC how employees are to address him as that is one of the comments that came up. DC stated that some people call him by his first name, others call him "Chief". He went on to say that in a work environment, though, the Division has a policy that says you have to address people by their rank, and that is something that DC does adhere to because it is the Division's policy. DC added that for him, it is part of setting the bar higher; respect others, respect yourself, respect your superiors, respect your officers.

The OIG asked DC if he felt that the female Security staff (Officers, Sergeants and Lieutenants) were treated fairly and equally to their male counterparts. DC stated that overall, he feels that they are; he hopes that there is a happy middle ground. He stated that he tells the employees that if they are ever having a problem, respect the chain of command, but at the end of the day if they feel that nobody is listening to them, then to go talk to him. Employees can also talk to DD1 or to the DMD Director. DC hopes that people in the Division feel that they can do this.

DC informed the OIG that as a result of the RCI investigation, all of the employees who were talked to during that investigation ended up doing "one of the sexual harassment and hostile work environment trainings". The OIG asked DC if he thinks any employees could benefit from sensitivity training, to which DC stated yes.

With regard to E1, DC stated that ultimately, if they can find a way to help her be happy at work and be satisfied in her job and realize that nobody is out to get her, then that would be a good thing. However, a big part of this also falls on E1; what does she need in order to feel that she could be satisfied at work? And what does this look like beyond the next conspiracy? DC stated there are always problems; there are always difficult situations; there are always things a person has to deal with at work -- that's just life. You deal with those sorts of things and you move on. DC followed up by stating if there really is a problem, though, or it's a situation of hurt feelings, then "let's address it". If there needs to be corrective action, then "let's do that". "If it's just a matter of talking it out and making sure we're on the same page; if it's training or whatever it is, then let's do that." DC stated that if they could get on that path with E1, he thinks that she would be fine and would do fine. He added that E1 has proven that she can do the job and she did a great job at Transit when she was over there. He stated he has no issue with bringing E1 back. He indicated that others may have a bit more of an issue, but that is something that can be worked through. He admitted that there are employees who would have concerns and might be worried or hesitant about communicating with her because they know that everything is being recorded and everything is being notated. However, DC feels that everybody could get past this, it would just take some time.

Following the meeting with DC, he provided the OIG with a copy of an email chain dated June 5, 2020 that was between him and DD1 discussing the 11<sup>th</sup> floor post and that a supervisor should be assigned to that post. In the emails DD1 asks DC who advised that it was a supervisor only position at this post. The DC explains that he received a call from the 11<sup>th</sup> floor earlier in the week to discuss the 11<sup>th</sup> floor priority request. DC informed DD1 that the request was for supervisors only for that assignment.