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Report of Investigation

FILE NO: 23-0041-C and 23-0048-C

SUBJECT MATTER: Allegation that a complaint, concerning harassment/retaliation for participation in an investigation regarding the Gibson Health Hub, filed with the Department Director, City Administration, and Human Resources was not addressed in accordance with the City Ordinance.

STATUS: Final

INVESTIGATOR: M. Santistevan

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August 4, 2023
Date of Completion

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OVERSIGHT COMMITTEE CHAIRPERSON

10/31/2023 | 8:05 AM MDT

Date of Approval

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EXECUTIVE SUMMARY

According to City Ordinance 2-17-2, the Inspector General's goals are to (1) Conduct investigations in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

On May 4, 2023, the Office of Inspector General (OIG) was notified of allegations of harassment/retaliation of City employees by a Director. The alleged harassment/retaliation occurred during a meeting between Risk Management (RM) personnel and General Services Department (GSD) personnel with the topic being how to move forward at the Gibson Health Hub based on the findings of the Report of Investigation. Allegedly, D1 became highly agitated and initiated a personal attack that included threatening movements toward City employees. The OIG was notified that a grievance had been filed with HR so no investigation was initiated at that time.

On June 6, 2023, the OIG initiated an investigation into the allegations concerning harassment/retaliation by a Director against employees who participated in an investigation regarding the Gibson Health Hub. The complaint alleges the grievance filed with the Department Director, City Administration, and Human Resources was not addressed in accordance with the City Ordinance. The OIG determined that it was appropriate for the OIG to conduct a fact-finding investigation as permitted under the Whistleblower Policy. The purpose of the investigation was to substantiate or not substantiate, through the collection of sufficient evidence, the allegations of harassment/retaliation of City employees and that the City did not address this matter in accordance with the City Ordinance.

The OIG investigation revealed sufficient evidence to conclude the substantiation of the allegation of harassment/retaliation against the City employees for their participation in the OIG investigation and that the matter was not addressed in accordance with the City Ordinance.

ABBREVIATIONS

A1: City Official
AGO: Accountability in Government Oversight Committee
CITY: City of Albuquerque
D1: City Director
D2: City Director
D3: City Director
D4: City Director
E1: City Employee
E2: City Employee
E3: City Employee
GHH: Gibson Health Hub
GSD: General Services Department
HR: Human Resources Department
OIG: Office of Inspector General
RM: Risk Management Division

INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque in order to safeguard and preserve public trust.

Complaint

Allegations of harassment of City employees by a Director. The alleged harassment occurred during a meeting between Risk Management (RM) personnel and General Services Department (GSD) personnel with the topic being the Report of Investigation issued by the OIG regarding the Gibson Health Hub construction project. Allegedly, a Director became highly agitated and initiated a personal attack that included threatening movements toward the City employees. A complaint, concerning harassment or retaliation for participation in an investigation regarding the Gibson Health Hub Gateway Center, filed with the Department Director, City Administration, and Human Resources was not addressed in accordance with the City Ordinance.

Background

On March 2, 2023, the OIG initiated an investigation into allegations of potential violations of the Occupational Health and Safety Act (OSHA) and nonfeasance by employees related to the City's demolition and remodeling of the Gibson Health Hub (GHH) facility creating a threat to the health of anyone in the facility.

On April 21, 2023, the OIG sent the findings, for an investigative report regarding potential violations of OSHA and nonfeasance by employees related to the demolition and remodeling of the Gibson Health Hub construction project, to D1 and A1 to obtain management's response to those findings. Following City Ordinances and OIG policies, the findings included each allegation, the OIG's finding related to each allegation, recommendations for improvement, and a request for the management to provide its response to each finding no later than April 28, 2023. The full report of the investigation was not provided to D1 or A1 by the OIG.

On April 21, 2023, the OIG also sent the Accountability in Government Oversight Committee (AGO) members, including the Ex-Officio members, the full report for inclusion in the AGO packet to be reviewed at the AGO meeting to be held on April 26, 2023.

On April 24, 2023, the OIG was advised that D4, D1, and others had a copy of the full report of investigation 23-0018-C.

At the AGO meeting on April 26, 2023, A1 stated their disagreement with the fact that the full report was not provided to Management and stated that A1 would be providing the report to Management despite the Ordinances or policies. A1 invited D1 to join the AGO meeting. The City Attorney advised the AGO that they could determine who was to be present, and the AGO committee voted to allow D1 to be present during the presentation of the report.

The AGO committee decided to require the Inspector General to release the full report to D1 and to allow management additional time to review the full report and provide its responses. The IG sent D1 the full report on April 26, 2023.

On April 28, 2023, the OIG received the first of five (5) complaints of harassment or retaliation against those who participated in the OIG investigation 23-0018-C.

On April 28, 2023, a meeting was held between A1, D1, D3, and D4, and it was alleged that a comment was made that D1 and D4 "were obsessing over who provided information for the report." It was reported that A1 advised those in attendance to not seek out those who participated in the investigation and not to retaliate. D1 suggested having a meeting with RM about how to move forward at the GHH Gateway Center.

Management provided its responses on April 28, 2023, and the OIG incorporated them into the OIG's report of the investigation and submitted them to the AGO committee for approval so the report could be signed.

On May 1, 2023, the OIG publicly released the AGO-approved and signed Report of Investigation 23-0018-C related to the Gibson Health Hub construction project. The report intentionally did not include the identification of twenty-two (22) witnesses or their interviews due to their fear of retaliation for participation in the investigation.

On May 3, 2023, RM and GSD had a meeting to discuss how to professionally work through issues involving the GHH Gateway Center and the potential asbestos exposure to both employees and the general public.

E3 sent an email to D3, carbon copying A1, on May 3, 2023, relaying the events of the meeting earlier that day, along with concerns and a statement that a more detailed memo would be submitted to D3 that afternoon.

On May 4, 2023, a complaint was filed with HR outlining the events and a request that D1's violent, angry actions be addressed.

On May 19, 2023 meeting was held between D1, D2, and E3 regarding the incident that occurred on May 3, 2023.

SCOPE AND METHODOLOGY

Scope: May 3, 2023 meeting held between D1, E1, E2, and E3. Complaint submitted to D3, carbon copying A1, and memo of complaint submitted to HR.

The methodology consisted of:

- Assess complaint allegation
- Obtain and review evidence in support of the allegation
- Prepare an investigation work plan
- Review the Inspector General Ordinance, Article 17
- Review the Code of Conduct, 301
- Review Whistleblower Policy, Article 7
- Collect evidence or statements to corroborate the events
- Conduct interviews
- Contact Legal Department to identify pending litigation that would prohibit OIG from investigating
- Contact Risk Management to identify pending litigation that would prohibit OIG from investigating
- Write report
- Present report at AGO meeting

This report was developed based on information from interviews, inspections, observations, and the OIG's review of selected documentation and records provided during the investigation.

INVESTIGATION

Allegation 1: An allegation concerning harassment/retaliation for participation in an investigation regarding the Gibson Health Hub. Allegedly, a Director became highly agitated and initiated a personal attack that included threatening movements toward the City employees.

Authority:

Article 17: Inspector General Ordinance

301. Code of Conduct

Evidence:

Meeting records

Complaint Memo

Emails

Witness statements

City Ordinances

Interviews:

Through interviews, the OIG was able to confirm that a meeting was held between GSD and RM employees and that this meeting became heated and was terminated. Although some interview statements had differing recollections of the details, the witness statements and meeting records corroborated the general events of the meeting.

Analysis:

Meeting Records

The OIG discovered that the subject of the meeting was to determine how to move forward at the GHH Gateway Center given the findings of the report of investigation 23-0018-C. The OIG's review of the meeting record reveals the escalation of the meeting and the events that led to E1 and E3 feeling threatened, bullied, and harassed over their cooperation in the OIG's investigation regarding the GHH Gateway Center.

A review of the meeting records revealed that the meeting began to escalate at the point when E1 recommended hiring an industrial hygienist and D1 made a recommendation to hire a professional

asbestos-knowledge medical expert that could ask us questions about what happened and tell us the potential ramifications of what happened. D1 made a statement to the OIG that RM was accusing D1 of not taking the matter seriously. D1 then made an accusation that E1 gave letters and emails to the OIG as part of their investigation and the meeting became very heated.

The OIG's review of the record of events was considered through the lens of whether a reasonable, prudent person would have considered the actions and words of D1 as harassment/retaliation. Considering that the meeting escalated at the point where an accusation was made by D1 about documents being provided by E1 to the OIG, it is reasonable to infer that participation in the OIG investigation was a concern for D1 and was likely a catalyst for the escalation of this meeting.

Complaint Memo

An interoffice memorandum, dated May 4, 2023, was sent to HR from E3. The memo stated the events as follows:

Questions arose regarding hot material abatement and disposal. E1 suggested that GSD retain an expert (industrial hygienist) to assess the building. At this point, the conversation devolved and D1 became loud and abusive. E1 stated, "You keep saying that you want to work with us but everything I am asking you to do, you refuse." D1 accused E1 of giving "letters" to the OIG and when E1 asked for clarification and proof D1 then alleged E1 gave out "emails." D1 repeatedly told E1 that E1 doesn't "Know asbestos." D1 continued to get louder and then slammed D1's hand onto the table shaking it. E3 then told D1 the meeting was over and that D1 needed to leave. D1 turned to E3 and got within inches of E3's face. E3 stood up and told D1 the meeting was over and walked to E3's office door. D1 stated, "I am going to your director's office right now!" E3 told D1 to "go ahead".

The OIG considered the complaint as evidence of the incident and that the proper chain of command was utilized for notification of the events.

Emails

The OIG reviewed an email, dated May 3, 2023, from E3 to D3, carbon copying A1, outlining a meeting with GSD whereby D1 became loud, threatening, and condescending in a personal attack on E1 and E3. E3 expressed being upset at these events even stating that E3 is shaking as this email is typed. E3 stated that the bullying and abuse against E3 or RM staff would not be tolerated.

The OIG reviewed an email dated May 4, 2023, from E3 to HR, with attachments, indicating that the attached statements were from two RM employees who overheard the meeting they had discussed the previous afternoon. Receipt of this email was acknowledged by D2.

The OIG reviewed an email from a third party, E4. The email stated the following:

I heard some yelling, and what sounded like someone banging their fist on a table. I could not make out any words.

The OIG reviewed an email from a third party, E5. The email stated the following:

On 5/3/2023 at approx. 1:45 PM, I was walking to the restroom and heard D1 screaming at who I believe to be E3. I was trying not to eavesdrop but I did here (sic) D1 say, "You don't know about asbestos!" Then on my way back to my office, I heard D1 scream, "You never emailed that!" I kept walking towards my office but you could hear D1 throughout the suite. I turned around and walked back to the office as D1 was leaving the office and heard D1 say, "I am going to your Director!" The door closed, I went to the window and motioned to E3 to come outside of E3's office, I then advised E3 that you could hear everything that was being said.

The OIG's consideration of these statements was as a corroboration of the events of the May 3, 2023 meeting.

The OIG reviewed multiple emails between D3 and E3 trying to arrange a time to discuss the events. On May 9, 2023, E3 sent an email to D3 checking the status and D3 replied "Waiting on D2 to get back to us". The OIG considered these emails as evidence of the chain of command being utilized for notification of the events.

The OIG reviewed an email dated May 22, 2023, between E3, D1, and D2, carbon copying D3 and A1 requesting that a meeting between E1 include D2, D1, and E3. Additionally, the email memorialized the meeting between D1, D2, and E3 and identified eight (8) bullet points including an agreement that an industrial hygienist is needed and that D1 would work on obtaining one. E1 and an industrial hygienist would walk the building to map it. D1 brought up the possible need for a medical opine but this was left as a pending item. D1 apologized to E3 and E3 accepted the apology. A discussion was had about how the City departments generally work. E3 explained to D1 how RM operates and the items considered including the fact that RM monitors national trends and similar exposures and any settlements. Specifically, a similar matter in San Diego that was settled for \$86M was discussed. There was an agreement to keep the communication open.

The OIG reviewed another email dated May 22, 2023, between E3 and D2, indicating that E1 no longer wanted to meet with D1 as E1 felt that any apology would be insincere and E1 was upset that D1 had not been investigated or held accountable. On May 25, 2023, two additional emails were sent declining the meeting based on the reasons cited in the May 22, 2023 email to D2.

On July 10, 2023, E3 reported that D3 stated that they were not aware of any progress or action regarding D1 and that E3 and E1 should do what they felt was necessary.

The emails reviewed by the OIG provide evidence for the complaint of harassment and retaliation. The emails reflect that HR was engaged to address the matter and that a meeting occurred despite a lack of documentation in the employee files. The emails indicate that E3 followed the appropriate steps for filing a complaint. Emails and the complaint suggest that the complaint was filed on behalf of both E1 and E3. The emails from the third parties provide evidence of the events that gave rise to the complaint and the emails between D2 and E3 are evidence that the matter was being addressed as a formal complaint. The OIG requested the employee files for E1, E3, and D1 from HR but only received the files for E1 and E3. The OIG noted that HR did not maintain documentation of the incident in either employee file. The OIG noted that without documentation, these events could occur again and there would be no indication of previous events which may be necessary when considering the appropriate actions to take in accordance with the City's Merit System Ordinance.

Article 17

Article 17 provides the Office of Inspector General the authority to prevent and deter fraud, waste, and abuse through investigations or inspections. Section 2-17-12 (A) states all city officials, employees, and contractors shall promptly notify the Inspector General of an instance of theft or other disappearance of cash, check, or property, misfeasance or nonfeasance, defalcation, and improper governmental actions as defined in the Whistleblower Ordinance and non-compliance with federal and state law, city ordinances and city regulations of which they are aware.

Section 2-17-12 (D), (E), and (F) state: No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with, or assisting the Inspector General in the performance of the office. Each and every violation of this article is a criminal violation subject to the provisions of §1-1-99 ROA 1994. Any official or employee who violates the Inspector General Ordinance may be subject to discipline as may be specified in the Merit System Ordinance or any applicable collective bargaining agreement.

The OIG considered the above sections of Article 17 as they relate to the allegation and the previously published report of investigation. The OIG discovered that the subject of the meeting was how to move forward at the Gibson Health Hub Gateway Center given the findings of the report of investigation. It was noted that at times the discussion was robust but that it did not escalate until E1 was accused of providing the OIG with letters creating concern that this was retaliation for participation in the OIG investigation. A review of the previous report of investigation included information between GSD and RM but its inclusion does not infer how the OIG obtained the information. The OIG's review of the meeting record reveals that statements and physical gestures made led to E1 and E3 feeling threatened, bullied, harassed, and the subject of retaliation. Interviews, witness statements, and meeting records corroborated the general events of the meeting.

Code of Conduct

Section 301.1 Duty to the Public states “The City of Albuquerque is a public service institution. In carrying out their assigned duties and responsibilities, employees must always remember their first obligation is to the general public’s safety and well-being. This obligation must be carried out within the framework of federal, state, and local laws.

Employees shall serve the public with respect, concern, courtesy, and responsiveness, recognizing service to the public is the reason for their employment. Telephone calls, correspondence or other communications should be answered promptly or referred to appropriate individuals for timely action.

It is recognized it is not always possible to fulfill all of the requests of the general public, however, employees are required to handle all requests and inquiries courteously, fairly, impartially, efficiently and effectively.”

Section 301.3 Standards of Conduct states “Employees shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of coworkers and the community.”

Section 301.17 Supervision of Employees states “Employees with supervisory duties or responsibilities shall, in all instances, ensure that all supervisory actions comply with the provisions of the Merit System Ordinance, Labor-Management Relations Ordinance, Personnel Rules and regulations, applicable legislation, and relevant judicial/administrative decisions.”

The OIG reviewed and considered the above sections of the City’s Code of Conduct when analyzing whether D1’s actions were in accordance with City regulations. The evidence collected reveals the conduct displayed was contrary to the expectations of the City’s Code of Conduct.

Finding: The evidence obtained was consistent with concluding the allegation of harassment/retaliation of City employees by a Director for their participation in a previous report of investigation is substantiated.

Recommendations: City Officials should review these events, ensuring that the appropriate processes were followed and that the outcome was appropriate and consistent with the City’s ordinances. If the City finds that appropriate action was not applied, it should make every effort to rectify the matter by immediately applying the appropriate action. If any discipline is warranted, City Officials should ensure that it is appropriate and adequate for the circumstances.

Management’s response: These events were reviewed by City Officials, including the Human Resources (HR) Department Director, Chief Financial Officer (CFO), and Chief Administrative Officer to ensure an appropriate outcome by following an appropriate process. On May 4, 2023, an unclassified city employee notified the HR Director via e-mail that a meeting occurred on May 3, 2023. At this meeting, a Department Director stated that two other employees were present at

the meeting; one classified employee and another unclassified employee. During this 15-minute meeting, the complainant (an unclassified employee) stated that the Department Director was aggressive and clearly angry and retaliatory. The complainant informed the CFO after the meeting and asked that the Department Director apologize for the behavior demonstrated during the meeting. The complainant stated that they felt unsafe being in the company with the Director. The HR Director responded to the complainant on May 4, 2023 with the following e-mail:

Good Morning **Employee**,

I am in receipt of this e-mail and will reach out to you in the near future. Please do not hesitate to contact me in the meantime if you need to speak or meet urgently; my mobile phone number is in my signature line and sending me a text works well. If you do not get a quick response from me, please reach out to Famaira Panteah, Executive Assistant, at 768-3725.

Ultimately, the HR Director scheduled a meeting on May 19, 2023, with the complainant and the Department Director to investigate the letter. The two unclassified employees agreed to the meeting in the HR Director's office. The goal of the meeting was to gather these two executive-level, unclassified individuals and discuss the meeting that took place on May 3rd. These two individuals did not need to receive a notice of investigation. At the meeting, the two individuals were very professional and calm with one another. The HR Director opened the meeting by stating the purpose was to work together to discuss the meeting and move forward. The complainant agreed with moving forward but felt it necessary that she brought the behavior demonstrated by the Department Director to my attention because of the manner in which the Department Director behaved toward the complainant during the meeting. The complainant stated that they were hopeful for a resolution. The Department Director responded by agreeing with the complainant and stated that "it was an unfortunate meeting" and that the entire situation was stressful. The Department Director stated that the stressful nature of the situation was not an excuse for the behavior but stated feeling frustrated and acknowledged that the behavior was not acceptable and apologized to the complainant. The HR Director stated that the apology offered by the Department Director was genuine and that the Department Director took responsibility for what the complainant stated happened at the meeting. The Department Director also stated that an apology was in order for the classified person who was also present at the meeting. The complainant accepted the Department Director's apology and agreed to work with the HR Director to schedule a meeting with the Department Director and the classified employee. The meeting continued with a collaborative discussion between the complainant and the Department Director regarding the broader issue at the facility. The complainant informed the HR Director that the classified employee was not interested in meeting with the Department Director.

Since the Department Director was accountable for the poor behavior, apologized to the complainant, and the apology was accepted by the complainant, there was no need to investigate the matter further.

The City believes that appropriate action was applied in addressing this issue between two unclassified employees. The appropriate personnel action was taken with the Department Director.

Allegation 2: An allegation that the grievance filed with the Department Director, City Administration, and Human Resources was not addressed according to policy.

Authority:

Article 7: Whistleblower Policy

Evidence:

Complaint Memo

Employee files

Lack of documented summary of the investigation

Interviews:

Interviews with D2 revealed that E3 did submit a complaint to HR on May 4, 2023. D2 stated that E1 did not want to file a complaint with HR.

According to D2, HR began a pilot program in an attempt to resolve matters at the lowest level of engagement. D2 could not say when the pilot program had been implemented. D2 stated that this pilot program had been instituted in one other matter and that it was successful. D2 stated that this program is being piloted on unclassified employees and that it seemed appropriate for this matter since E3 requested an apology. This methodology was discussed between D2 and A1, A2, and D3. E3 and D1 agreed to a meeting. The meeting was positive and an apology was offered and accepted. A separate meeting was to be held between D2, D1, E1, and E3 but E1 declined the meeting stating that E1 did not feel that an apology would be sincere and was upset that D1 hadn't been investigated or put on administrative leave. According to D2, administrative leave is only used in instances of imminent threat or danger.

D2 stated the documented grievance process had not been followed but that it is not required for unclassified employees. D2 indicated that HR does try to be consistent with the application of the grievance process.

D2 stated that the pilot program is not documented.

An interview with D3 revealed that D3 was not involved in any investigation regarding this matter. D3 stated that E3 had sent emails and possibly texts to follow up on the complaint with D3. D3 stated that D3 may have said "I don't think they did anything to D1" to E3.

An interview with D1 revealed that in the meeting on May 19, 2023, E3 and D1 came to an agreement on hiring an industrial hygienist for the GHH Gateway Center. Upon a request from

HR for a meeting, D1 was under the impression a grievance had been filed and that is what prompted the meeting with HR. D1 stated that the meeting was positive. D1 stated that once the meeting occurred, the matter had been resolved. D1 did not receive a summary of the investigation from HR. D1 stated there were no other actions taken in this matter.

Analysis:

Complaint Memo

The OIG reviewed the complaint memo sent to D2 and carbon copying D3 and E1 noting the following excerpts as evidence that the complaint was a grievance and that there was an expectation for the process.

“D1 accused E1 of giving “letters” to the OIG and when E3 asked for clarification and proof D1 alleged E1 gave out “emails”.

“E3 was afraid D1 was going to become violent. D1 was already aggressive and clearly was angry about RM’s involvement with the Gateway asbestos issues. D1’s actions were also clearly retaliatory against both E1 and E3.”

E3 indicated speaking to A1 where “E3 asked that D1 apologize for D1’s behavior. E3 also told A1 that D1 was clearly retaliating against E1 and E3 for our involvement with the Gateway asbestos issues.”

“E3 no longer feels safe being in company with D1. E3 asked that D1’s violent, angry actions be addressed by HR.”

The OIG considered the language used in the memo when assessing whether this complaint was merely requesting an apology or if it should have been considered a more serious matter. Words indicating retaliation, fear, safety, and violence are red flags and should be headed as such. Articles 7 and 17 specifically state that retaliation is a violation of City regulations and is considered a criminal violation subject to the provisions of Section 1-1-99 ROA 1994.

Article 7

The OIG reviewed and considered the following sections in Article 7: Whistleblower Policy.

Section 3-7-4 (C) Complaints filed with the Inspector General. If a complainant files a complaint with the Inspector General but does not file a complaint with the complainant’s department, the Inspector General shall determine whether the complaint shall first be investigated by the complainant’s department, pursuant to the procedures required in subsection (A) or (B) of this section, or the Office of Inspector General.

Section 3-7-4-(D) Complaints to be accepted by the Inspector General. If a complainant files a complaint with an investigation when (1) a complainant has been filed pursuant to h subsection (a) or (B) of this section and the summary of the investigation is not provided to the complainant within 15 business days or the extensions thereof, (2) after receipt of the summary of the investigation the complainant alleges that there is a reasonable basis for believing that insufficient action has been taken by the city to address the improper governmental action, (3) for other specified reasons, the improper governmental action is likely to recur or (4) a complaint alleges immediate harm. When applicable, a complaint filed with the Inspector General shall have attached to it the written complaint submitted to the complainant's department. The complaint filed with the Inspector General shall contain a statement explaining at least one of the following: (1) that the complainant's department did not provide a summary of the investigation, (2) the basis for the complainant's belief that the action taken by the city in response to the complaint is insufficient or (3) the basis for the complainant's belief that the improper governmental action is likely to recur or (4) the nature of the immediate harm and the basis for the complainant's belief that immediate and substantial harm may occur. When applicable, the complaint shall include a copy of all summaries of investigation complaints related to discrimination or labor law matters, or other matters that are the subject of pending litigation.

The OIG considered Section 3-7-4 (C) and (D) and the fact that a complaint of the events had been made to D3, A1, and HR by E3 on behalf of E1 and E3 and that there is no documentation to support the grievance was acted on in accordance with Article 7 allowing the Inspector General to accept the complaint and initiate an investigation.

The OIG inquired and discovered that a summary of the investigation was not provided to the complainant within fifteen (15) business days and there were no notices of extension issued in the matter causing the complainant to believe that insufficient action was taken by the City. A meeting was held between E3, D1, and D2 whereby D1 apologized to E3 which was indicative that the grievance was validated by HR. The grievance process and outcome were not formally documented in the employee files, therefore there is no support for HR's involvement and resolution regarding this matter. The OIG was able to verify that the Personnel Manual states that the grievance process does not apply to unclassified personnel.

Finding: The evidence obtained was consistent with concluding a complaint was filed and that a meeting occurred with the involvement of HR where D1 apologized. There was a lack of documentation in the employee files regarding the matter and there was no summary of investigation provided to any of the parties within the specified timeframe. There is no policy on how to address disputes or other matters that occur between unclassified personnel.

Recommendations: The City needs to assess these events to determine why the process was not followed and what can be done in the future to prevent deviations in the process. The assessment should be used to improve any deficiencies in the process and any improvements to the process should be put in writing and disseminated to City employees prior to their implementation. The City should consider a policy amendment to document how matters between unclassified

personnel will be addressed. The City should conduct training for all employees on current or revised processes.

City Officials must ensure that City Policies are followed by all City Personnel and if they are not, take appropriate action, as deviations from ordinances, policies, regulations, and laws expose the City to vulnerabilities.

Management's response: The City investigated the issue that was raised between two unclassified employees to determine if an outside agency was needed. Based on the meeting facilitated by the HR Director, it was determined that additional city resources were not warranted. If the two individuals were unable to discuss the issue at hand professionally or did not resolve the issue, the HR Director would have initiated a third-party investigation. This process is not documented for unclassified employees; however, this case allows for an opportunity to create a written process. Each complaint is unique and requires an approach that can be resolved at the lowest level possible without causing disruption to an entire work team. This case allowed the HR Director the opportunity to resolve the issue at the lowest level possible. All parties sat at the table, discussed the issue, and agreed to move forward. However, it appears the complainant is still not satisfied. Rather than raising that dissatisfaction with the HR Director, CFO, or their own Department Director, the complainant chose to utilize the OIG to come to a resolution with this personnel issue. The HR Department is committed to working through challenges similar to this and will document at process that highlights complaints involving unclassified employees.