

CITY OF TALLAHASSEE
EQUITY AND WORKFORCE DEVELOPMENT (EWD)

EXECUTIVE SUMMARY
EWD No. 1407021

This investigation was initiated based upon concerns of inappropriate activity and misconduct on the part of several Building Services employees that were brought to the attention of Equity and Workforce Development (EWD) in July 2014 by Cynthia Barber, Director, Environmental Policy & Energy Resources.

FINDINGS

Based on a preponderance of the evidence obtained, the following conduct was substantiated:

- [REDACTED], [REDACTED], and [REDACTED] engaged in incidents of sexual misconduct, behaved in a disrespectful or inappropriate manner based on common standards of behavior, and engaged in inappropriate and unprofessional behavior during working hours, while on City property, and while in City uniform. Their conduct took place primarily in the Building Services office and the main lobby of City Hall and was potentially harassing to other employees and/or members of the public who may have witnessed it. The employees admitted to engaging in inappropriate conduct. This conduct violates City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 706.07.A, *Working Conditions – Personal Conduct*; and Section 709.02.D, *Discipline – Conduct Unbecoming a City Employee, Disruptive or Threatening Behavior, Failure to Follow Departmental Rules, and Miscellaneous*. Mr. Granger's conduct also violated Section 800.03, *Florida Statutes* (Lewdness; Indecent Exposure).
- [REDACTED], [REDACTED], and [REDACTED] used profanity and abusive language toward each other and toward other Building Services employees. In addition, [REDACTED] used derogatory language when referring to women and black women in general. The employees admitted to using profanity and abusive language. Five employees stated that they heard [REDACTED] use derogatory language toward women and black women in general. This conduct violates City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 706.07.A, *Working Conditions – Personal Conduct*; and Section 709.02.D, *Discipline – Conduct Unbecoming a City Employee, Disruptive or Threatening Behavior, Failure to Follow Departmental Rules, and Miscellaneous*.
- [REDACTED] made statements to [REDACTED] on July 15, 2014 that a reasonable person would perceive as threatening or intimidating and that resulted in [REDACTED]'s fearing for her personal safety. [REDACTED] admitted to making the statements. This conduct violates City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 706.07.A, *Working Conditions – Personal Conduct*; Sections 706.08.A and 706.08.D, *Violence Prevention and Intervention*; and Section 709.02.D, *Discipline – Conduct Unbecoming a City Employee, Disruptive or Threatening Behavior, and potential Unlawful Conduct*.
- [REDACTED] and [REDACTED] divided "tip money" donated by City employees during the Building Services' United Way fundraising efforts, rather than donate those funds to the United Way. They admitted to engaging in the conduct. This conduct violates City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 706.07.A, *Working Conditions –*

Personal Conduct and Section 709.02.D, Discipline – Conduct Unbecoming a City Employee and Miscellaneous.

- [REDACTED] offered to pay [REDACTED] to work a shift for her, they negotiated the amount to be paid, and [REDACTED] accepted payment from [REDACTED] to work her shift, even though she would also be paid by the City for the time worked. [REDACTED] then worked the shift and was paid by both [REDACTED] and the City. Both employees admitted to engaging in the conduct. This conduct violates City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 706.07.A, *Working Conditions – Personal Conduct* and Section 709.02.D, *Discipline – Conduct Unbecoming a City Employee and Miscellaneous*.
- [REDACTED] Cleveland was aware of the inappropriate conduct among his staff, he deliberately chose not to become involved or to take effective action to stop the conduct, and he thus failed to perform his duties as a supervisor. Mr. Cleveland also failed to follow instructions and directives from management concerning [REDACTED]. This conduct violates City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 706.07.A, *Working Conditions – Personal Conduct* and Section 709.02.D, *Discipline – Failure in Performance of Work Duties, Failure to Follow Department Rules, and Insubordination*.

OTHER FINDINGS

During the investigation, there were conflicts in the statements and accounting of events between Facilities Manager Arlecia Harris and Ms. Barber, Ms. Harris and Ms. Barkley of Barkley Security Agency, Inc., and Ms. Harris and Security Guard Terrell Williams. There were also conflicts in Ms. Harris' statements to EWD. The following contradictions in testimony were found:

- Ms. Harris first stated to EWD that she informed Ms. Barber of the incident with [REDACTED] phone right after she learned of it in late October or early November 2013. She subsequently stated to EWD that she thought she informed Ms. Barber in late October or early November, but she knew it was before Thanksgiving. Ms. Barber stated that she did not find out about the incident with the phone until the first week of May 2014.
- Ms. Harris first stated to EWD that she told Ms. Barkley that she wanted to have [REDACTED] transferred from City Hall because there was a claim that he had a nude picture or video on his phone. She subsequently stated to EWD that she may not have told Ms. Barkley about the picture or video and may have only told her there were rumors of such, but she was not sure. Ms. Barkley stated that Ms. Harris told her that she wanted [REDACTED] moved from City Hall because of a conflict he was having with a member of the custodial staff. Ms. Barkley stated that Ms. Harris did not mention nude pictures or a nude video on [REDACTED] phone. Ms. Barkley further stated that she did not find out about the nude pictures or video until she called [REDACTED] to ask him what was going on.
- Ms. Harris stated that she discussed the possibility of having [REDACTED] transferred with Ms. Barber prior to Mr. Robinson's transfer on November 4, 2013. Ms. Barber denied that this conversation occurred.
- Ms. Harris stated that she asked [REDACTED] what he saw on [REDACTED] phone, and she stated that [REDACTED] told her he looked at "gadgets" on [REDACTED] phone. Mr. Williams denied

that Ms. Harris ever asked him about [REDACTED] phone or had any conversation with him about [REDACTED] phone.

- Ms. Harris stated that she informed Ms. Barber in March or April 2014 about the incident with the United Way "tip money." Ms. Barber stated that she did not find out about this incident until [REDACTED] brought it up during Ms. Barber's meeting with Building Services staff on July 15, 2014.

Ms. Harris indicated that she discussed the phone incident with the above three individuals on three separate occasions; however, none of these individuals' accounts of their conversations with Ms. Harris are consistent with Ms. Harris' version of events, and two individuals maintained that conversations alleged to have occurred by Ms. Harris never actually took place. The fact that three different individuals recalled the same incident differently than Ms. Harris raises concerns regarding Ms. Harris' reliability in this matter.

The investigation revealed that Ms. Harris witnessed Building Services employees touch each other on at least one occasion, and that she had received complaints of inappropriate and abusive language. Although she addressed these situations, these incidents should have prompted her to be more vigilant in her monitoring of employee conduct in the Building Services office. It is reasonable to expect that, as a division manager, she knew or should have known of activities taking place over an approximate 18-month period within her department and among her staff.

This conduct may violate City of Tallahassee (COT) policies, including Personnel Policies and Procedures, Section 709.02.D, *Discipline – Failure in Performance of Work Duties*.

RECOMMENDATIONS

It is recommended that management review these findings and take any action deemed appropriate and necessary. It is further recommended that training be provided to all Building Services employees in the areas of anti-harassment and discrimination, including sexual harassment, and ethics.