October 5, 2017

# CONFIDENTIAL REPORT

Via Electronic Mail at: spaulson@omag.org

Suzanne D. Paulson

General Counsel

Human Resources Director

OMAG

3650 S. Boulevard

Edmond, OK 73013

Re: Administrative investigation of the September 10, 2017 grievance

 made by Kristy Smith

Dear Ms. Paulson:

Pursuant to my engagement letter dated September 13, 2017, I conducted an administrative investigation of the September 10, 2017 grievance made by Kristy Smith. As a part of my investigation, I reviewed the following documents, which I have attached to this report:

1. Personnel Policies for the City of Springfield
2. Personnel file of Kristy Smith
3. Statement of Kristy Smith dated 9/20/17
4. Statement of Billy Williams dated 9/20/17
5. Statement of Chris Winters
6. Statement of David Gibson dated 9/22/17
7. Statement of Police Chief dated 10/2/17
8. Statement of Kristy Smith dated 10/3/17
9. Email from Mayor to Becky Thomas dated 4/30/13
10. Email from Mayor to Becky Thomas dated 7/13/16
11. Social media post by Mayor on the Springfield Rant and Rage page dated 7/5/17

Also as a part of my investigation, on September 15, 2017, I conducted in person interviews with Kristy Smith, Becky Thomas, Melissa Birdwell and Marlo Bigs. Mayor and Police Chief were unavailable for in-person interviews on September 15, 2017. I conducted telephone interviews with Mayor on 9/13/17 and 9/25/17. I conducted a telephone interview with Police Chief on 9/20/17 and reviewed her supplemental written statement dated 10/2/17. I also conducted telephone interviews with Al Dickens on 9/15/17, Chris Winters on 10/3/17 and Tracy Raper on 10/3/17. I reviewed written statements from Billy Williams and David Gibson on 10/3/17. I had text communications with Bernie Franks wherein he declined to speak with me on 10/3/17.

This is my Report of my Investigation. The following is a summary of what I learned from each of my interviews and my review of the documents identified herein.

## KRISTY SMITH

Kristy began working for the City of Springfield in November of 2013. She had initially applied for the office clerk in July of 2013, but Kristy's now colleague, Melissa Birdwell, was hired at that time. Kristy's concerns are that Becky Thomas, City Clerk and Kristy's immediate supervisor, as well as Melissa, do not speak to her. They ignore her when she is in the room and act like she's not even there. Upon Kristy being hired, Becky told Kristy that "what happens in City Hall stays in City Hall." Kristy took this to mean that Becky was in charge at City Hall, and that Kristy should not talk to the Mayor about what was going on at the City office while he was at work at the Department of Transportation. Kristy reports thinking that this was fine, so long as things were being done properly. If they weren't, she felt the Mayor had a right to know.

Things got bad in terms of office environment with Becky about two years ago, although she states the rumors about her sleeping with Mayor are "four years running." Kristy voiced her concerns to the Police Chief, and asked the Chief to accompany her into Becky's office so Kristy could talk to Becky her about not liking Kristy. When Kristy said, "Why don't you like me," Becky said "I like you just fine." At one point in the meeting, former Code Enforcement Officer Bernie Franks came in to confirm that he heard Becky didn't want Kristy working at City Hall. At one point, Kristy tried to appeal to Becky, saying, "Let's just start over." After Mr. Franks left the meeting, Becky, Kristy, and the Police Chief remained in Becky's office. Upon Mr. Franks leaving the room, Becky accused Kristy of sleeping with the Mayor. The meeting was terminated shortly thereafter by the Police Chief.

Another complaint Kristy has is that, because Becky doesn't want her working in City Hall, Kristy has been repeatedly passed over for various promotions. Kristy wanted to be the safety rep, and she believes Becky prevented that from happening. Kristy claims Becky has overlooked her for other promotions, such as court clerk, stating that the job "automatically went to Melissa." Since Melissa became court clerk, Kristy states she is no longer allowed to field calls about the price of traffic tickets and other court-related questions. Kristy can't remember who instructed her to stop fielding calls. Because Becky and Melissa don't talk to her or give her additional work to do, she sits and plays on her phone when she is not busy. In August of 2017, Kristy applied for the full-time Code Enforcement Officer position with the Chief of Police. The Mayor asked Becky, who is in charge of drafting the agenda for city council meetings, to put approval of hiring Kristy for the position on the agenda for the next meeting. Kristy heard through the grapevine that Becky began campaigning against her by speaking individually to council members. The issue was tabled because the council could not agree on whether to hire her, so they opened up the position to outside applicants.

Kristy says "it's just crazy up here. You can cut the tension with a knife." She is very hurt by the rumors about her sleeping with the Mayor as well as the treatment she has received from Becky and Melissa. While she acknowledges she has been friends with the Mayor for a long time, she denies any sexual relationship with him. She dreads coming to work each day. Kristy believes the proper resolution for this situation is for Becky to be fired or serve a lengthy suspension.

# BECKY THOMAS

Becky has worked for the City of Springfield for seven years. She started as an office clerk, and six weeks later, was promoted to City Clerk and Office Manager. Upon meeting Becky, she told me she was very glad I had come. She, too, claims the work environment has become a very hostile one. She attributes this to the abrasive personalities of the Mayor and, particularly, the Police Chief. She described the work environment as one with a lot of bullying, dictatorships, and ego trips. She provided email examples of Mayor's unprofessional tone in addressing her. She reports that the Police Chief is loud, brass, overbearing, and has run off lots of people. As to the allegation of slander regarding Kristy allegedly sleeping with the Mayor, Becky reports that the Police Chief is the one who told her about it, although she believed Al Dickens and Marlon Bigs have evidence of the Mayor and Kristy being in "compromising situations." Becky reports that the current work environment is miserable and she dreads coming to work each day.

Becky reports that when Kristy came to work as an office clerk, Becky told her that "what happens at City Hall stays in City Hall." This occurred after Kristy told the Mayor that Melissa was on the water cutoff list when she was in ICU after following a diagnosis of thyroid cancer. This incident caused Becky to believe that Kristy was going to serve as "the Mayor's implant" and his "patsy," meaning Kristy would report everything that happened at City Hall directly to him. Becky believes that Kristy alerting the Mayor that Melissa was on the water cutoff list (so that he could issue Melissa a one-day suspension without pay) was inappropriate given Melissa's health issues. Becky noted that she had once paid Kristy's water bill when Kristy had breast cancer.

Becky admits that she met individually with City Council members to inform them she did not think that Kristy would be a good fit for the Code Enforcement Officer position because she "can't do numbers." She has kept "pages and pages" of examples where Kristy just doesn't get it when it comes to balancing the ledgers.

Becky acknowledges that the relationship has deteriorated to the point that she and Kristy cannot work together. She believes the proper resolution to this matter is that Kristy no longer be under her supervision.

# MELISSA

Melissa began working as an office clerk for the City of Springfield in July of 2013, just a few months before Kristy Smith was hired as the other office clerk. Melissa reports that an across-the-board application of reprimand policies and procedures is not happening. She claims that Mayor and Kristy Smith are responsible for the inconsistent application of reprimand policies.

 Melissa cited the example of the water cutoff incident. Though Kristy notified the Mayor that Melissa was on the cutoff list, Melissa claims that Kristy had given Police Chief a courtesy bill reminder when the Police Chief had an unpaid water bill coming due. Melissa thought Kristy should have shown her the same courtesy she showed the Police Chief.

Melissa believes the Mayor butts heads with Becky because Becky does things "by the book." She believes that if Kristy had gone to Becky, her immediate supervisor with various concerns and issues over the years, instead of going over Becky's head to Mayor, there would be less tension in the office. She admits she doesn't talk to Kristy a lot because "after being burned so many times, your natural response is to pull back."

Melissa dreads coming to work because of the uncomfortable work environment. Melissa believes the way to diffuse the tension and hopefully solve this issue is for Kristy to be hired as the Police Department assistant/dispatcher, to be supervised by the Police Chief.

## MAYOR

Mayor is in his second term of office as Mayor of the City of Springfield. He receives a stipend to serve as Mayor, but works 40 hours for the Department of Transportation. In describing his relationship with Kristy Smith, Mayor notes they have known each other for a very long time. They grew up together, and Kristy was formerly married to the Mayor's cousin. They have remained friends even after Kristy and Mayor's cousin were divorced.

Mayor believes Becky wants to control everything at City Hall. He reports that she takes care of the people she likes and makes life difficult for the people she doesn't like. One example of this he gave is that when the other office clerk, Melissa had not paid her water bill (which results in a mandatory one-day suspension without pay for City of Springfield employees), Becky did not tell him that Melissa was on the cutoff list. Mayor reports that Becky has had concerns about Kristy's ability to balance the ledgers, but that Becky refuses to help, train, or "counsel" Kristy, and wants instead to go straight to writing Kristy up, which is contrary to personnel policy. Mayor believes that Becky and Melissa ignoring Kristy, as well as Becky refusing to counsel her and spreading rumors about her, is creating a hostile work environment.

Mayor knows that the Police Chief had Kristy in mind as the potential hire for the newly-created position of Police Department assistant/dispatcher. He believes that Kristy working for the Police Department will be a better fit for Kristy, given the current work environment in the Clerk's office. He assigned Kristy to work in the Police Department temporarily, pending the outcome of this investigation.

After my initial interviews with Mayor, he called to discuss new developments related to the grievance. Based on advice from Suzanne Paulson, General Counsel for OMAG, he told Becky to steer clear of Kristy pending completion of the investigation. After I visited the City of Springfield to interview the main parties to this grievance, Becky approached Kristy and asked for a copy of the grievance. Kristy gave it to her because she felt like she needed to honor the request from her supervisor. In addition, City Council member, Rosemary Cook, who the Mayor claims is in cahoots with Becky, approached various employees of the City, stating that she wanted to conduct an independent investigation of this grievance. Mayor directed the parties to contact me with questions or concerns.

# POLICE CHIEF

The Police Chief summarizes the issues surrounding this grievance and plaguing the City of Springfield by saying, "We are a strong-arm mayor form of government. We have no City Manager. Everyone is in charge and nobody's in charge." Because the Mayor and City Council all have other full-time employment and are usually only at City Hall for monthly council meetings, the Police Chief reports that the full-time employees at City Hall really run the city. She reports that she and Mayor have not always seen eye to eye, and acknowledges that they both have bold personalities. They have been able to work through their differences constructively, though.

The Police Chief believes one big problem giving rise to this grievance is small-town gossip (which she admits she to participating in, along with everyone else). Another cause for the unprofessional work environment at City Hall is people talking behind everyone's back instead of having productive discussions between supervisor and employees. She stated that "Every single one of us could use management training."

The Police Chief also takes issue with the notion that Mayor "will not let" Becky write Kristy up for issues related to balancing the ledgers. If anything, she states that the Mayor treats Becky with "kitty gloves." She states there is no documentation of counseling or write-ups to evidence a problem with Kristy's job performance as it relates to balancing. Further, she believes that without proof of a sexual relationship between Kristy Smith and the Mayor, Becky is committing slander. The Police Chief did accompany Kristy into Becky's office a couple of years ago to try to address the problem with their work relationship head on. When Becky accused Kristy of sleeping with the Mayor, the Chief called Becky out and ended the meeting. Police Chief believes that Kristy would be a good fit for the new Police Department assistant/dispatcher position.

# AL DICKENS

Al Dickens is a former Springfield Police Officer. He was aware of the rumors about Kristy and the Mayor, although he provided no first-hand knowledge to confirm or deny their truth. Pickens noted that, during his time working for Springfield Police Department, the Police Chief was always asking him for "juicy gossip," and was responsible for spreading rumors.

## MARLO BIGS

I interviewed Marlo Bigs on 9/15/17 after it was reported to me that she had knowledge of Kristy admitting to sleeping with Mayor. While Ms. Bigbow acknowledged that she had heard the rumors of the affair, she denied ever hearing Kristy admit it. She qualified her statement by saying, "But I probably wouldn't tell you if I did. I have a business to run."

# CHRIS WINTERS

Chris Winters has been a patrol officer with Springfield Police Department for the past 16 months. He has a master's degree in psychology and has led human resource investigations. Delmar said that the tension in the office was immediately noticeable to him. He said that some personality types in the office are not conducive to mediating disputes between coworkers. While he describes himself as a "blue" personality type that is able to mediate disputes, he believes his Chief is a "red." He states she is "not a mediator" and is "pretty hardcore." Delmar believes that Kristy and Becky could be under the same roof, moving forward, so long as: (a) Becky is not Kristy's supervisor; and (b) they talk it out.

# TRACY RILEY

Tracy Riley is former Assistant Police Chief for the City of Springfield. She left her post after she became burned out with the job in general and the Police Chief in particular. She knew of Becky and Melissa's frustrations with Kristy. She believed they were related more to Kristy's job performance/inability to balance the books than they were to the alleged inappropriate relationship with the Mayor. Riley claims that when she asked Becky why she didn't write Kristy up for the balancing issue, Becky stated, "It's not worth it." Ms. Riley took that to mean that Becky did not want to face the Mayor's wrath if she were to confront Kristy regarding her shortcomings on balancing.

# ROSEMARY COOK

Rosemary Cook serves on Springfield City Council. She contacted me on 10/3/17, stating that she wanted to see how the investigation was coming. She stated that she was considering having the Council conduct an independent investigation of the grievance filed by Ms. Smith because during the course of this investigation Becky was suspended with pay and could only work certain days and times of each week at City Hall until my investigation was complete. She was concerned because she believes Becky is a vital part of the successful functioning of the City office. She said she has had citizens approach her who were confused by the lady (Kristy Smith) driving the code enforcement truck and writing tickets. I assured Ms. Cook that my goal was to have the investigation completed by the end of the week so that there could, hopefully, be a resolution soon. She thought a good solution would be for Kristy to be hired for the new Police Department assistant/dispatcher position. She believes this would serve as a remedy for the grievance situation because Becky would no longer be Kristy's supervisor. She stated that if this course of action successfully disposed of the grievance, then there would be no need for the Council to conduct an independent investigation.

## DAVID GIBSON

I was unable to connect with David Gibson after reviewing the written, signed statement he prepared. My voicemail to him was not returned. Upon review of his statement, it is clear that the tension in the clerk's office has spread throughout the entire building. He describes the workplace as an unpleasant environment with rising tension due to employees seldom speaking to Kristy and spreading false rumors about her.

# Billy Williams

I was unable to connect with Billy Williams. He works nights and sleeps during the days. In reviewing his written, signed statement, I noted that he could feel the tension between Kristy and Becky, as well as Melissa. He reports that on September 15, 2017, the day I came to town to interview the main parties to this grievance, Becky approached him to feel him out on whether he would be making negative reports of her behavior to me.

PERSONNEL POLICY NOTES MS. SMITH PERSONNEL FILE AND OBSERVATIONS

*Section 5.1 Conduct and Corrective Action outlines four Levels of Corrective Action - Verbal Warning (written record of conversation is made)*

1. Written Reprimand
2. Suspension
3. Discharge

Kristy's personnel file does not indicate that any verbal warnings or written reprimands have been issued by Becky to Kristy. Accounts from all sides indicate that Becky had problems with Kristy's proficiency as it relates to balancing, but nobody really indicated that Becky sat Kristy down and talked to her, face to face, and attempted as her supervisor to counsel her on how to get better at balancing.

# CONCLUSIONS

The consensus of all parties involved, myself included, is that the work environment in the City of Springfield office is indeed an uncomfortable, unhealthy, and unprofessional one. While the nature of the allegations outlined in the grievance may not rise to the legal definition of a hostile work environment involving a certain class of people (gender, race, etc.), the work environment is most definitely a toxic one. As to Ms. Smith’s allegation of slander, one key ingredient is that the defamation must contain an untruth. I was unable to uncover any evidence of an affair between Ms. Smith and Mayor, although Ms. Bigs statement that she probably would not tell me even if she did have first-hand knowledge of the affair certainly gave me pause.

What caused this situation to escalate to such a high level is predominantly a matter of people talking about one another, not to one another. In addition, when brazen personalities do talk, they do not always do so respectively or productively. This leads to an unhealthy and woefully unprofessional environment and is not helpful to anyone, including the citizens of Springfield. No doubt, the ripple effects have been felt by all departments within the building, as well as by the Mayor, the Council, and the Town as a whole.

It is clear that Kristy and Becky can no longer work together in the City Clerk's office. One possible resolution that many have entertained is to hire Kristy as the new police department dispatcher/assistant, with Police Chief becoming her new supervisor. While this would address the issue of Kristy working under Becky in the City Clerk's office, I am skeptical that the tension in the building (which houses the City Clerk, Code Enforcement, and the Police Department) will instantaneously dissipate. Just as many people have had a role in the work environment deteriorating to this point, it will take many people making maximum effort to improve the environment for everyone involved. It will take less gossip and backstabbing and more pride swallowing for the sake of peace in the workplace and in the City of Springfield. The personnel policies of the City of Springfield need to be followed by all parties. If they are not followed or they are determined to be obsolete, then new policies should be created and followed.

# RECOMMENDATIONS

1. Kristy should be hired by the Police Department for the dispatcher/ assistant position, under the supervision of Police Chief.
2. Mayor, City Council, Police Chief, and City Clerk should undergo leadership/management skills training. All of these officials could will experience better workplace dynamics if they are straightforward, yet respectful, in their leadership of their employees. All employees should participate in team building exercises.
3. Personnel policies from 1997 should be reviewed. If revisions are necessary, they should be made immediately. If no revisions are necessary, all departments should begin strictly implementing the policies so that all parties understand expectations and are held to the same standard.
4. Supervisors should conduct semi-annual or quarterly reviews with each employee on their team. Reviews should address employee's strengths as well as his or her opportunities for growth. These reviews will provide a forum for the employee and the supervisor to periodically address competency, expectations, and conflicts in a structured, productive way that leads to the growth of the relationship between the supervisor and employee.
5. The "us versus them" mentality that is pervasive within all areas of City Hall has got to stop. People need to speak to each other with respect and not about each other with gossip and rumors. All employees and elected officials should realize they have different roles on the same team. They are not opposing teams, designed to be adversarial toward, or conquered by, one another.

Should you have any questions or need any further information from me, please do not hesitate to give me a call.