



May 22, 2018

Report of Joint Diversity/HR Safe Haven Investigation
of Public Works – Field Services Division

1. BACKGROUND

Between July and December of 2017, several employees from the Field Services Division of Public Works came forward to the Diversity Office raising concerns under the City's Safe Haven Policy.

Allegations were made regarding an uncivil/unprofessional work environment, City policy violations related to temporary detail pay and recruitment and hiring processes, retaliation, and gender and age discrimination.

A meeting of the Safe Haven Committee was convened in December 2017 and direction was given that the Diversity Office and Human Resources should work together on an investigation of the concerns. Specifically, Ginny Belousek, Diversity Manager and Jon O'Connor, Deputy Internal Services Director-HR were tasked with conducting the investigation.

The investigation was conducted as a formal, confidential matter and all those interviewed were required to sign a Confidentiality agreement. The Public Works Director was advised of the investigation prior to it starting and the Deputy Public Works Director for Field Services was also advised immediately prior to the investigation starting that it was occurring, that there were some concerns raised regarding him, that he was not to discuss the investigation with anyone, and that he needed to ensure that any employee called to participate in an interview be provided the work time to attend.

A total of 24 Public Works employees were interviewed – see Appendix A for the names and positions of the employees and Appendix B for an organizational chart of the Solid Waste Section of Field Services which was the primary focus of the investigation. The employees interviewed were a combination of those who came forward with concerns, witnesses, and recommended names provided by Public Works Director, Don Bessler.

A review was conducted by Human Resources of all hiring/promotional activity in the Solid Waste section and in the Field Services division since the hire of Tony Miano as the Solid Waste Manager on January 7, 2013 and his subsequent promotion to Deputy PW Director – Field Operations on February 22, 2016. This is attached as Appendix D.

Additionally, employees from other City Departments raised some related concerns separately, some without being asked, and some were informally interviewed specific to those concerns primarily related to the behavior of Jason Browne, Solid Waste Manager.

It should also be noted that following their interviews, several employees have continued to call and email the Diversity Office with updates or ongoing concerns regarding the situation. As well, two other employees raised concerns with the Diversity Office in April.

2. ISSUES ADDRESSED SEPARATELY

- a. [REDACTED] – [REDACTED] is an Administrative Assistant in Public Works, Field Services reporting to [REDACTED], PW Supervisor. While the concerns she raised with the Diversity Office are related to the overall issues of this investigation, hers were more specific to a formal disciplinary action she had received. Additionally, in her Part II response of the action, she had raised concerns of possible discrimination. After discussing the matter with the City Attorney’s office, the direction was given that her specific written allegations in the Part II needed to be addressed prior to moving forward with a Part III. Because [REDACTED] had raised her concerns with the Diversity Office, they moved forward separately to address her concerns. Final resolution on this issue is still pending.
- b. [REDACTED] – [REDACTED] is a Principal Planner, assigned to Field Operations and reporting to [REDACTED]. Many of the concerns she raised are the same or similar to those raised by others specific to the behavior of her supervisor, however as the concerns are more directly related to a Performance Improvement Plan (PIP) that she is completing, this is being addressed also as a separate matter. Human Resources worked with Public Works to reach some resolution regarding this matter as the PIP concluded around March 15. At this time, for organizational need, the Department is intending to move [REDACTED]. [REDACTED] back to the Transportation division to report directly to [REDACTED].
- c. [REDACTED] – [REDACTED] was hired as the [REDACTED] Manager on May 2, 2016. He resigned that position with the City on May 27, 2017. While several employees interviewed referred to issues with [REDACTED], as he is no longer with the City this report will not focus on specifics relevant to him. It should be noted, however, that his management style and some of his behavior appears to have been very similar to that reported of [REDACTED] and [REDACTED].

3. JASON BROWNE, SOLID WASTE MANAGER

Many of the concerns raised by employees were specific to the behavior and management style of the new Solid Waste Manager, Jason Browne. Mr. Browne was hired into his position on October 16, 2017. Jason submitted a follow-up written response to his interview questioning, which is attached as Appendix C.

- a. Inappropriate Language – many employees made reference to cussing and other inappropriate language used by Jason Browne consistently since his hire and at least through the end of 2017. He consistently used the “f-bomb,” and was overheard once yelling, “when are they going to stop busting my balls?” [REDACTED] had contacted [REDACTED] [REDACTED] with concerns regarding Jason’s language and [REDACTED] had sent out an email to Jason and all Solid Waste supervisors in November reminding them of the need for appropriate language in the workplace.

However, the inappropriate language continued until early January, when the investigation began. Several employees noted that in the 1-2 weeks prior to their interviews for this investigation that Jason's language had improved, yet others reported use of the f-word in late January. Other employees interviewed indicated they had spoken directly to Jason regarding concerns with his language including [REDACTED] and [REDACTED]. In her interview, [REDACTED] referred to the Solid Waste employees as "blue-collar" and said she isn't concerned with Jason's language. In his interview Jason readily acknowledged that his language was inappropriate and that he was making a lot of effort to change in the new year. It was also noted that Jason had apologized to some employees – specifically [REDACTED] and [REDACTED]. In [REDACTED] case he had said "Fuck you" when he had meant to say, "Fuck that" – but she reported that he immediately apologized and in general he seemed more cautious around her with his use of inappropriate language.

- b. Bullying – of particular concern was Jason's treatment of former [REDACTED], reported directly by [REDACTED] as well as from several other employees. (NOTE: [REDACTED] was promoted in February 2018 to a position in [REDACTED] and so no longer works in SW). Specifically, [REDACTED] reported that he felt his treatment at work had become increasingly negative over the time since Jason had been hired. [REDACTED] was particularly offended by Jason's use of profanity and stated that even after [REDACTED] sent her email, the profanity continued. Additionally, in a meeting with [REDACTED] and Jason, both had made disparaging remarks regarding the Bible, Catholicism, and inappropriate stories about their wives that were very offensive to [REDACTED]. [REDACTED] did not raise concerns regarding this or the profanity with Jason directly as he feared that it would result in more bullying.

[REDACTED] had asked to flex his hours due to coming in early for an employee breakfast and Jason had accused him of "being a nickel & diming mother-f'er". In a follow-up interview, Jason had responded that he did not recall this comment, but in an email dated April 16 he stated he did recall making a reference to "nickel and diming" to [REDACTED] but it was meant to be light-hearted. Jason's meetings with [REDACTED] were always behind closed doors which made [REDACTED] uncomfortable. In a meeting where [REDACTED] had offered an opinion, Jason had responded, "Well thanks dummy." In one meeting [REDACTED] had been trying to record the meeting with his phone, but his phone had lit up and Jason realized what he was doing and "got in his face" – accusing him of violating his trust and asking how many other times [REDACTED] had recorded meetings. Jason confirmed this incident and stated that he saw [REDACTED] tape recording of their meeting as a "red flag". On another occasion Jason asked [REDACTED] what the AMP (Alley Maintenance Program) needs, and when [REDACTED] said they need new equipment Jason started yelling at him and said to just get it done and quit bitching to him about equipment.

[REDACTED] and [REDACTED], both SW Inspectors also noted they felt bullied by Jason with regards to changes in their schedule – they believed that UAEA had not been appropriately advised of the pending changes and that Jason kept pushing them to make a decision with regards to new schedules without regard for the provisions of the MOU. Jason stated to [REDACTED] (about the inspectors), "those dumb mother f'ers are too stupid to come up with a good argument," although Jason denied saying this. With regards to the concern with the proposed changes to schedules for SW Inspectors and the Union's involvement, Jason told [REDACTED] he needed to "make this go away." Jason stated that he was looking for a solution that would work

██████████ believes that he has been stripped of many duties since Jason took over, with no explanation. He previously had attended supervisory meetings, even though his classification is not a supervisory classification. He stated he is no longer permitted to attend those meetings and is excluded from other meetings as well. ██████████ was the project manager on the AVLS project, but recently found out through the vendor that ██████████ was taking it over. ██████████ said that ██████████ has no knowledge of the AVLS system. ██████████ asked Tony why this was happening, and Tony said that Jason wanted full control of it, and that Jason is in charge. ██████████ has since been taken off all conference calls related to the project. When both ██████████ (who recently resigned) and Jason were asked about ██████████ involvement with AVLS, they indicated that the project was on hold and that is the only reason ██████████ is no longer doing work related to that.

██████████ said he has been isolated and taken off everything. "I went from hero to zero." He said that in his first meeting with Jason, two weeks after he started, he was told that Tony had great things to say about him and that Jason would meet with him again to go over job priorities but as of the date of ██████████ interview, that had not happened. ██████████ confirmed that there were changes to ██████████ job but stated that some of these reassigned duties should have been originally assigned elsewhere and were "now going to where they needed to go." However, he also noted that ██████████) and Jason may not have done it (made changes) as well as they could have.

██████████, who has been a lead for three years, has been placed back in a truck driving – he stated he is the only one expected to jump back and forth across areas (commercial and residential) and is no longer handling lead responsibilities. The other lead, who is a TD lead, continues to handle the lead responsibilities, but none are given to ██████████. ██████████ said ██████████ is the supervisor making the decision to send ██████████ out to drive, while the ██████████, ██████████, stays in the office. The only explanation from Jason, according to ██████████, was that they were top heavy and didn't need all these people in the office. When asked about this situation, Jason noted first that ██████████ and ██████████ do not have a good working relationship, refuting any claim that there was some sort of favoritism occurring. Additionally, he stated that ██████████ is not qualified in all areas and is not there in the morning as reasons why ██████████ is usually put on a truck at this time due to understaffing with drivers.

██████████ said that when he first started, Jason didn't even acknowledge her or some other staff -she would say "Good Morning" and get no response. She did state that has now changed and that, after about one month, he did meet with her and that was a good meeting. However, in general, she stated it was a hostile environment and everyone was looking for a way out.

██████████ said that when he first came Jason consistently met with ██████████ and ██████████ but not with him or ██████████ (now retired). Jason had told ██████████ that he felt like he was not being a team player and that he shouldn't have to "fucking chase him around" for details. ██████████ stated that he cc's Jason on all his e-mails and keeps him apprised of all his work. Jason disputes this.

██████████ stated that Jason was intense and was "moving and shaking" things but ██████████ did not dislike anything about him. ██████████ noted that Jason was putting back in place some policies that Tony Miano had implemented but that the interim Managers had dropped. ██████████

█████ said that Jason was a breath of fresh air with new ideas and will take the division to the next level – █████ stated he believes Jason is open to new ideas and there are no wrong or right ideas with him. He also noted that Jason was high energy and not used to a municipal environment and that because the walls of the offices were thin, other employees overheard some things but did not always understand fully. █████ had once been questioned by another employee about whether Jason had been angry with him from a meeting he came out of, when that was not the case at all.

██████████ said that in early December she had sent her calendar to Jason, Tony and █████ after a one-on-one with Jason. He had sent the calendar back with a lot of red marks on it – basically events or meetings he did not want her to do – but with no explanation or discussion. He later told her he was concerned she was working a lot of weekends (█████ is an exempt employee not eligible for overtime) and that what he had noted on the calendar were cuts and she should focus on the SMART program – he did later qualify that this was just for 2018. In January he also failed to attend a meeting █████ had scheduled and told others not to attend and to cancel it. He stated later to ██████████ that he had just “derailed █████ fucking meeting”, and laughed. Jason denies having said this. He stated that █████ struggles with time management and that she needs to focus on the SMART program and can’t do 10 other things. He noted that she had scheduled events anyway even though he had cut them from her program. Jason expressed a concern that █████ may have violated the UAEA MOU by providing overtime opportunities two or three times to just █████ and █████ without offering it to others. Jason has been working with ██████████ to address this.

- e. Retaliatory Behavior & Lying – some employees expressed that Jason’s responses to ██████████ regarding his pay and assigned duties when █████ questioned them could be construed as retaliatory – such as allegedly threatening to not pay him temporary detail pay. Several employees stated they don’t understand or support certain changes in duties – such as ██████████ move to Compost in “the back”, or changes to ██████████ duties. These actions are viewed by some as retaliatory. Jason has made comments to other employees that ██████████ does not communicate well (Jason agreed that this was true) and told ██████████ that ██████████ never finishes anything and that was why he was “back there”, (Jason did not respond directly to this question, but instead spoke of difficulties in communicating with ██████████).

The two SW Inspectors interviewed, as well as ██████████ and ██████████ stated that they questioned Jason’s honesty in his response to and handling of the proposed schedule changes. They alleged that Jason was not honest at times in his responses with regards to what he stated he had done or regarding the involvement of UAEA. Jason stated he believed he had worked appropriately with both the employees and with UAEA but noted this situation occurred soon after his arrival.

- f. Additional Concerns

During the time of this investigation, HR and Diversity both became aware of concerns (unsolicited) from both the 311 area and from IT with regards to Jason’s behavior. Additionally, based on comments from some employee interviews, Jon O’Connor spoke with ██████████ in Customer Service (ISD). Concerns related to Jason’s attitude towards women – seeming to ignore their experience or input; his circumventing City processes – specifically related to some

purchasing of electronic equipment that needs IT input/approval; his arrogant and dismissive attitude; and bullying behavior in ignoring the IT Project Manager (a woman) for a project and going directly to other IT staff pushing to get what he wanted.

Jason recently hired an external candidate, ██████████, as the PW ██████████ Supervisor. ██████████ advised the Diversity Office that it appeared from information on LinkedIn that Jason and ██████████ had previously both worked together and gone to school together. An additional posting on Facebook showed an interaction between both of them in 2011 that clearly indicated they knew each other. Human Resources reviewed the recruitment process. There is no indication that Jason ever advised Human Resources or the Interview panel members that he knew ██████████. Jason was a rater on the panel. Human Resources determined that there was no indication that the selection of ██████████ was inappropriate with regards to his experience for the position, and one panel member stated that he was clearly the best candidate and there was no disagreement from other panel members, or any coercion on the part of Jason Browne, to forward ██████████ on to a second interview. However, panel members were instructed (as they are in all initial interview processes) to divulge any potential conflicts of interest related to any knowledge they may have of an applicant. Jason did not divulge this information and when asked about this in his interview said he did not perceive it as a conflict. ██████████ reported that Jason told him directly he did not know ██████████ and asked for ██████████ support with regards to any rumors that he may hear about him and ██████████ being friends. He allegedly did this in the same meeting where he offered temporary detail to ██████████ to take on additional duties of a vacant supervisory position.

4. TONY MIANO, DEPUTY PW MANAGER – FIELD OPERATIONS

Several employees spoke also of concerns with the Deputy PW Manager, Tony Miano. Tony was originally hired as the Solid Waste Manager on January 7, 2013 and was promoted to his current position on February 22, 2016. He is responsible for Fleet, Parks and Solid Waste. Tony submitted a response and clarifying statements, which is attached as Appendix E.

- a. Management Style – Some employees made positive comments with regards to what Tony achieved as Solid Waste Manager and with working for him prior to his promotion. ██████████ ██████████ noted that Tony is firm but fair but sometimes rattles trees that don't want to be rattled. He states he believes he is a good Deputy and a company man looking at what he can do best for the City and what is better for the whole. ██████████ said he had a great relationship with Tony – he talked bold but also had a soft part to him and enabled them to do their work. ██████████ noted that Tony created a couple of positions in Solid Waste that were overdue. ██████████ noted also that when Tony came on board they worked well together and that he was a great mentor. ██████████ stated that Tony was good in Solid Waste Operations and ██████████ said he was a good manager when he first came in. ██████████ reported directly to Tony when she started and said he was a great supervisor and she had a great working relationship with him – she further noted at one point that he was phenomenal when he was her immediate supervisor. ██████████ stated that Tony had great ideas and that Solid Waste needed those ideas and Tony helped move them into the 20th century. ██████████ worked with Tony when she was a ██████████ and he was a “client” and stated that it was

great – he let her do her thing and was good to work with and they had a lot of successes. She further stated that while Tony can be abrupt and frank, she had no issues with him. She stated he was an “in the weeds” kind of guy and has incredible vision and incredible talent but needs someone to soften him a little. She stated that [REDACTED] was good at softening Tony, but that [REDACTED] is iron-fisted just like Tony. [REDACTED] went on to state that working in Solid Waste soon became overwhelming because projects came out of nowhere with no planning. There was no prioritizing by Tony, and she was often thrown off by the “reactive flavor of the week”. [REDACTED] stated that Tony has a very direct approach and is about numbers and focuses on analysis. She said he jumped in with two feet to address every situation. [REDACTED] stated that while she and Tony got off to a rocky start, they have a better relationship now and talk easily. [REDACTED] then added that she feels that Solid Waste has an attack on their employees, with more suspensions than any other part of the city.

A few employees believe that Tony has changed since his promotion to Deputy Director. Some believe he spends far more time on Solid Waste than with Parks or Fleet, while others believe he has a hands-off approach to Solid Waste, always referring employees who go to him back to Jason Browne and is not willing to assist them. Several employees state that Tony allows Jason’s behavior. Employees noted Tony’s work load is significant and he may be overburdened. Several employees reported that Tony always has 10 new ideas and wants them all done immediately. He piles on work then asks why things aren’t done. [REDACTED] noted that to her he seems to be more “iron fisted” since being promoted. [REDACTED] stated that whatever Tony say goes and that comments he makes seems to be what ends up happening.

[REDACTED] said that Tony had said to her once when she worked in the same office area that everyone seemed to be jumping ship and that he had never worked for an employer where employees get their way. She said Tony does not show respect for employees. She has also heard Tony state that it’s his way, and if you don’t like it, get out. [REDACTED] noted that while she does not have issues with Tony personally, morale has changed since he has been there and people don’t enjoy coming to work. [REDACTED] said that Tony has created a general atmosphere of distrust where staff are encouraged to report on one another for petty reasons.

[REDACTED] and [REDACTED] report a consistent problem with Tony’s management style, saying he approves/signs off on projects, then will complain to other staff about the project. This damages the staff’s reputation over time and hurts inter-departmental collaborations.

Several employees referenced the fact that Tony has strong ties to the local branch of a national professional organization for the Solid Waste Industry – SWANA (Solid Waste Association of North America). He has apparently been President of the local organization three times. Within the Solid Waste industry in Arizona he is apparently known as “the Godfather” and some employees noted that he jokes about that title. Tony confirmed that while he does not refer to himself as the Godfather, other employees and SWANA members do, as an affectionate nickname. He said he does not see anything wrong with it.

██████████ noted that he has removed Tony as a reference on applications when he applies to other municipalities for jobs as he is concerned what reference Tony may be giving. ██████████, who is a member of SWANA, noted that Tony can probably make or break your career, and that even if you did not include him as a reference, he would probably be called for anyone indicating they worked in Solid Waste at Tempe. According to ██████████, Tony told him once that when Peoria called him for a reference on ██████████, he told them ██████████ was not ready for the job yet. Tony denied having said this. Tony has been overheard saying he would rather be feared, which he stated was taken out of context. He claimed to be a disciplinarian, but also noted that accidents in Solid Waste were reduced by training, accountability and discipline that he implemented. Tony stated that his old boss had once said you can either be feared or respected – it was up to the employees. He noted he would prefer to be respected.

- b. Comments on Recruitments – Several employees reported having heard directly from Tony comments related to upcoming or in progress recruitments and selection processes.

██████████ said that Tony had stated to him, ██████████ and Jason Browne that ██████████, a ██████████ who had applied to be a lead ██████████ that it was great he was getting a second interview, but he wasn't getting the job. When asked, Tony denied having said this. As background, ██████████ had previously been a lead but had requested to voluntarily demote. Other employees also referenced this incident and stated that ██████████ had elected to be demoted due to family issues as well as workplace concerns.

██████████ noted that she had heard Tony state that people were welcome to apply for a position but if they had previously been there and left or had a reputation, they would not get hired and should "go be successful somewhere else". Tony allegedly told ██████████ that if you leave when I'm in charge, you're a quitter and I'm not going to rehire you. When asked about this comment, Tony referenced a meeting where ██████████, ██████████ and ██████████ had come to his office to ask about bringing ██████████ back to her old position. Tony had said no, as he was reclassifying the position, but had stated that ██████████ was welcome to apply for the new position. ██████████ had begun the meeting by asking if Tony held grudges to which he replied "no." ██████████ and ██████████ confirmed this meeting and Tony's comments. ██████████ and ██████████ also reported that Tony, in an awkward moment that did not seem related to their question about ██████████ returning, stated something to the effect that ██████████ had gone to Human Resources on me and he thinks he's going to get the Solid Waste Manager position, (██████████ had gone to Human Resources with a concern about the supervisory rotation in 2016). Tony did not recall making such a statement but said something he said could have been twisted – he said he may be dumb but not stupid and to say such a thing would be "suicide". He further noted that ██████████ had really wanted the Manager position and he had given him a couple of chances to get experience, but when Tony asked him to do residential, he had flipped out. Tony stated that "you cannot put people in charge if they won't do the work."

██████████ applied for the Solid Waste position twice – in March 2016 which was prior to his coming to Human Resources. At that time, he was one of two applicants forwarded on for a second interview. The other candidate was ██████████, who was the successful applicant. In the second process in August 2017, ██████████ was not recommended for a second interview.

██████████ heard Tony state directly that for the SW Manager recruitment he would hire from the outside – there were some internal people he would let go through the process, but he wasn't going to hire them.

██████████ noted that she found it interesting how some of the current management staff have ties to Tony.

Solid Waste employees have raised concerns with regards to hiring under Tony Miano several times over the past years. ██████████ stated that Tony was a planner in his head and so he would talk about knowing other people in other cities who would be good for a certain job. She said some employees had alluded to the City's recruitment processes that are in place, but she never heard anyone stop Tony when he spoke like this and "read him the rules".

- c. ██████████ - Several employees reported they believe, based on comments that he has made, that Tony has a particular grudge against ██████████ who worked in Solid Waste as a ██████████ from February 2013 thru April 2017. ██████ took an opportunity to transfer out of Solid Waste due to her concerns working with the previous Solid Waste Manager, ██████████. Tony had told ██████ that it was her responsibility to make ██████ successful. Tony blamed ██████ when ██████ failed as a Manager. ██████ said Tony blamed her for ██████████ failure at management also, and said this in front of other supervisors. Tony denied blaming ██████ or speaking to other supervisors about that. At a lunch meeting during the summer of 2017, Tony had told ██████████ that he was glad she had taken ██████ off their hands. ██████ reported that this made her very uncomfortable and ██████ noted that she had been told by others of Tony's comments. Tony confirmed that he stated this at the lunch meeting indicating that he thought as this was a meeting of peers that he should be free to talk about these types of work situations.

██████████ reported that Tony has mocked ██████ to ██████████ and in a meeting, saying "██████████ – all we hear about is ██████." While other employees reported having heard this, Tony did not recall having said it and ██████ denied hearing Tony talk at all about ██████, even though she attended the lunch meeting referenced earlier.

Employees alleged that Tony has blamed ██████ for not doing her job well when she was in Solid Waste and he did state in his second interview that she had performance issues. ██████ ██████████ noted that Tony made references to someone who wanted to come back to Solid Waste and even though he didn't state her name, everyone knew he was talking about ██████. ██████████ reported that Tony had made comments that anyone leaving or quitting on him should not expect to be brought back or promoted. ██████████ reported that at a meeting held November 11, 2017 with ██████████, Tony, ██████████, ██████████, Jason and him where they were discussing the rate increases, Tony had referred to ██████ and said he couldn't believe they were still talking about her. ██████ stated in her interview that she just wanted Tony to leave her alone and stop talking about her – she wanted to be "off his radar".

- d. ██████████ – ██████ and several other employees reported that duties were being taken away from her without explanation. ██████ reported that prior to June 2017 she had a very good

working relationship with Tony Miano. At that time, it took a quick and dramatic turn and she does not know why. It should be noted that June 2017 was immediately after employees went to the Safe Haven to complain about [REDACTED], which resulted in his resignation in May 2017. The first time [REDACTED] noted a change in Tony Miano's behavior was at a June 2017 meeting with supervisors and leads, after [REDACTED] had left. She said it was a very tense meeting that Tony took over ([REDACTED] was [REDACTED] at that time) where he slammed the leads for not driving more, even though [REDACTED] stated he had previously wanted the leads to spend more time in the office.

Since that time, and since Jason Browne came in as Solid Waste Manager, [REDACTED] has felt increasing frustration about lack of communication with regards to changes to her job duties and changes in direction. She stated that Tony often says things or provides direction and then later states that he never said that. Events, her primary duty since being hired, are being cut and support is being taken away. [REDACTED] recently notified Diversity that although last year she was told to cancel many previously booked school events and no longer schedule more, this past week Jason approved [REDACTED] to schedule trucks at various schools, removing the duties from [REDACTED] with no explanation as to why. [REDACTED] also raised concerns with regards to her compensation which is being addressed separately by Human Resources. (HR has previously reviewed her compensation relative to the hiring of [REDACTED] in March 2017).

- e. [REDACTED] – [REDACTED] was told by Tony Miano several years ago that he would not promote anyone to a supervisory position unless they had a degree. Tony confirmed in his interview that this is “his philosophy”, even though he said he knows HR does not agree. (The PW Supervisor – Heavy Equipment classification requires only the equivalency of an Associate's degree – meaning that additional work experience could also qualify an applicant if they did not have the degree). It should be noted that [REDACTED], [REDACTED], and [REDACTED] were all recent hires who do not have their degrees.

[REDACTED] confirmed he overheard a conversation between Tony Miano, Jason Browne and [REDACTED], which he relayed to [REDACTED]. In this conversation, Tony made a comment that [REDACTED] believed his education meant something, but that he was not ready for supervision and probably never would be. [REDACTED] stated that he still has a lot of respect for Tony – but that hearing this felt like a punch to the gut. Tony denied the conversation took place.

In March, [REDACTED] was placed on temporary detail pay for taking on additional duties of a vacant supervisory position.

- f. Hiring above minimum – along with the perception that Tony Miano has hired “his own people”, some employees stated that some new hires are being paid higher than current employees. [REDACTED] stated that employees being hired from Phoenix are being hired “at top out pay”. Human Resources created a report covering all hires in Solid Waste during Tony Miano's times as the Manager, and all hires in Field Services since his promotion to Deputy. The spreadsheet is attached. There is no indication that City policy and process was not followed with regards to any “hire above the minimum” request from the department. There is also nothing to support the claim that any new hire was paid “top out pay”. Human Resources is reviewing further the

starting and current pay rates for three female employees – [REDACTED], [REDACTED] and [REDACTED] to ensure that there are no “equal pay” discrepancies.

5. ORGANIZATIONAL CHALLENGES

[REDACTED] who worked both indirectly and directly for Tony also noted that there were definite staffing challenges in the Solid Waste area. She stated that there is a culture there that “we will do the same as we have been doing for 30 years.” She further stated that while she questioned and did not understand some of the staffing changes she saw, she also saw the complacent culture in Solid Waste as well and noted a lot of people were just waiting to retire.

[REDACTED] noted that people had left the organization and transferred – there had been a lot of turnover. She also stated that supervisors in Solid Waste played favorites – some had relationships outside of work with their employees and so certain employees were not required to drive or work overtime and performance issues were not addressed with them – they also got whatever vacation they requested. Additionally, after Tony was promoted, the interim managers did not follow the written guidelines for various processes (e.g. Vacation bidding) that Tony had put in place. Jason Browne confirmed this and referenced serious staffing issues with not enough drivers for trucks and concerns from many drivers that they were required to work too much overtime. Tony stated in his interview that supervisors had been “sweeping stuff under the rug” during the times when the Manager position was vacant and some of them had been serving as interim Manager.

[REDACTED] noted that there had been a lot of change in senior management and that some people didn’t like change, but that the situation seemed to be improving. He also noted that of the 5 municipalities that he had worked at over 35 years, Tempe was by far the worse place he had ever walked into with regards to how he was initially treated and the lack of support. However, he stated that most people had “come around”. [REDACTED] also stated that the management group was not as much of a team as it should be and that in some meetings, some employees will say “Can the Tempe people go now?”. He said there is definitely a group who does not like the “non-Tempe” people. Specifically, he referenced [REDACTED], [REDACTED] [REDACTED]s and [REDACTED] (retired) as part of that group. The same could be said, however, for the other side, as long-time Tempe employees all reported favoritism by management toward the new outside hires. [REDACTED] reported that when [REDACTED] was hired and being introduced to staff, Tony said, “This is [REDACTED], he’s one of the few good people we have here.”

Employees report being concerned that the work environment in Solid Waste is being condoned from the top. They worry that Don Bessler supports Tony and Don may retaliate if Tony leaves.

6. ADDITIONAL CONCERNS RAISED

One of the main concerns of the Safe Haven Committee was to watch for potential retaliation during the investigation. The following has been reported to the Diversity Office since most interviews of employees were concluded in February:

- On 2/1/18, the day of Tony Miano's interview with Jon and Ginny, ██████████ reported that Tony told him that he had to "go get my medicine at 1:00." Tony further stated to ██████████ that "those crybabies turned me in", while gesturing towards ██████████, ██████████, ██████████ and ██████████' offices. Tony further stated that he was just about done with all this, and that his bosses are supposed to be backing him up, but "we'll see how that goes." Tony denied saying this.
- ██████████ reported that Tony told him that ██████████ is still pissed off that he didn't get the commercial supervisor position and that ██████████ is sabotaging ██████████. Tony denied saying this.
- Tony told ██████████ that "more shit is being piled on. You know what's going on, right? There are a bunch of crybabies who went to HR to complain about me." Tony denied saying this.
- ██████████ reported that Tony and Jason won't talk to him. They make it a point to say hi to everyone else in the room. ██████████ told ██████████, "Tony told me that this investigation is coming from ██████████. Tony said it is retaliation for not getting the last position." ██████████ was not one of the employees who originally came forward. He was interviewed based on a recommendation from Don Bessler. Tony denied saying this.

██████████: On April 11, 2017 ██████████ ██████████ called the Diversity Office with claims of retaliation by Tony Miano. In 2014, at a meeting when Tony was SW Manager, ██████████ stated he had made a comment saying "chicken crap". According to ██████████, Tony had believed he said "chicken shit" and had addressed this with him through an e-Log. ██████████ stated that there was no place for him to reply to the e-log (this is not accurate as e-Logs were specifically designed to allow employees to respond). ██████████ took his concerns to ██████████, Deputy PW Director and then later to the Diversity Office where he stated his concerns were addressed. After this, ██████████ applied for a vacant ██████████ position and was successful. Due to proposed changes to schedule that would have impacted his family situation and that ██████████ stated Tony was unwilling to accommodate, he later demoted back to his previous position. ██████████ believes his failure to be selected for recent Senior ██████████ ██████████ and ██████████ vacancies and a situation where ██████████ addressed a sick leave request are retaliatory. Tony recalled the 2014 meeting situation where he stated that he asked ██████████ to go and wait in his office after he used inappropriate language and then went and spoke with him for 1 ½ hours regarding behavior in the workplace. The e-Log was later removed (after the Diversity Office became involved) and a year after that he promoted ██████████ to the lead position. Tony stated that he did not say more recently that ██████████ had his chance and would not be promoted again – Tony referenced the fact that ██████████ has recently interviewed twice. Human Resources reviewed both recruitments and found that ██████████ was moved forward as a finalist both times. Tony Miano was not a member on either of the initial interview panels, nor was involved in the second interviews for the finalists for either recruitment. As Deputy Director he does approve all hires in his division. Both recruitments resulted in the vacancies being filled by other internal candidates.

██████████ also raised a concern regarding questioning of his use of sick leave by Jason Browne during his second interview for the SW Inspector vacancy. This is being reviewed by Human Resources.

██████████ has contacted the Diversity Office and is intending to meet to discuss further concerns.

There is no evidence to sustain an allegation of retaliation against Tony Miano with regards to the recent concerns raised by [REDACTED].

[REDACTED]: [REDACTED] ([REDACTED] assigned to Solid Waste) called the Diversity Office on April 3, 2018 with concerns regarding abusive and confrontational behavior by Tony Miano towards her and others ([REDACTED] included) in meetings regarding Solid Waste Projects. These concerns need to be addressed separately but are referenced here as the behavior reported is consistent with other concerns raised by Solid Waste employees regarding Tony Miano's management style and approach.

7. EXECUTIVE SUMMARY

Employees raised several different concerns and allegations. Those that may constitute violations of City policy are reviewed below based on information provided in the interviews.

a. Retaliation:

The most significant allegation of possible retaliation is noted in Section 4.b. above related to [REDACTED] applying for the SW Manager position in August 2017. Comments made by Tony Miano were reported by both [REDACTED] and [REDACTED]. Based on this, Human Resources conducted a separate review of the recruitment process and a report of that is attached (Appendix F), along with a statement about the recruitment process by [REDACTED] (Appendix G). While the comment made by Tony Miano referencing [REDACTED] going to Human Resources is inappropriate and unacceptable from an employee at this level, based on the further review by Human Resources, there is no definitive evidence that would sustain the allegation of retaliation.

Tony Miano's comments regarding [REDACTED] after she left Solid Waste are also inappropriate but there is no evidence that he has retaliated against her. [REDACTED] was recently promoted to a position in another department. Opinions expressed by [REDACTED] and other employees that the Management Assistant position vacated by [REDACTED] when she transferred to Transportation was reclassified by Tony Miano specifically to avoid [REDACTED] requesting to transfer back cannot be confirmed and on follow-up by HR, it was found that the reclassification was consistent with similar changes in other areas of Public Works.

There is no evidence to sustain an allegation of retaliation against Tony Miano with regards to the recent concerns raised by [REDACTED].

b. Uncivil/Unprofessional Work Environment:

Allegations of creating an uncivil/unprofessional work environment have been made against both Tony Miano and Jason Browne. Concerns relate primarily to use of abusive language, aggressive management style, lack of communication and transparency and disagreement with management decisions regarding work assignments.

Jason has admitted to using inappropriate and abusive language. While he reports that he has made considerable effort to address this since January of this year, there have been some reports of this continuing. Other employees have indicated that he has improved. This investigation sustains a violation of Personnel Rule 406.C.9. "The employee has been abusive in attitude, language, behavior, or conduct toward another employee." Additionally, a violation of Personnel Rule 406.C.11., "The employee has engaged in behavior that does not meet a reasonable standard of workplace civility and respect in his or her interactions with other employees or the public," is sustained.

Jason Browne's treatment of employees and his management style are not consistent with what is expected of a Manager in this organization and has created significant concern and discomfort to the point where some employees have indicated that did not want to come to work. His treatment of [REDACTED] was inappropriate and unacceptable and given that Jason seemed to be unaware of the concerns he created by his behavior, if his employment is continued this needs to be addressed through counseling and training at the very least. At the direction of the Safe Haven Committee, the PW Director has extended Jason's initial probationary period by 6 months to mid-October, 2017.

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Tony Miano has also created concern, discomfort and stress for many employees with his aggressive management style. Based on these findings, this investigation sustains a violation of Personnel Rules 406.C.9. and 406.C.11. His comments regarding other employees, his attitude towards those who may disagree or not support him, and his comments on the City's culture are inappropriate and easily perceived by subordinate employees as bullying. Some employees have also noted Tony's support of them at various times and his abilities in his previous role as SW Manager. At the very least though, Tony undermines his leadership and calls into question the decisions he makes, or is a part of making, by the comments he makes that are unnecessary and inappropriate. This is a significant concern for a Deputy Director and needs to be addressed.

c. City Recruitment and Selection Policy:

Tony Miano - Several employees raised concerns with the hire of external applicants who may have worked previously for Tony Miano or who he may have known through previous jobs or through his involvement with SWANA. Some of these same concerns have been raised separately with Human Resources in the past and on review, no discrepancies or violations of City policy have been found. Additional review as part of this investigation continued to indicate that City policy has been followed with regards to recruitment, selection and hiring processes.

However, there remains a significant concern that Tony Miano consistently makes comments heard directly, overheard or passed on second and third hand, that would support the perception that he has a specific person in mind for a position either prior to the vacancy being advertised, or during the process. Some potential external candidates have allegedly stated to other SWANA members that they have the job in Tempe – they just have to go through the formalities. Additionally, the involvement of [REDACTED] in the August 2017 selection process for the SW Manager was not supported by

Tony even though it is common City practice to have UAEA or TSA representatives on interview panels. [REDACTED] was allowed to observe the interviews but was asked to leave during the panel discussion. Tony stated in his interview that he does not support Union involvement in interview processes. This is not consistent with City practice and leads to further perceptions that Tony is not following policy. A violation of Personnel Rule 406.C.2., “The employee has acted negligently, recklessly or carelessly in performing his/her duties during a specific incident or incidents.” is sustained based on the information gained through this investigation.

Jason Browne did not adhere to City policy and practice when he failed to indicate, as a rater on the initial interview panel, that he knew one of the applicants, [REDACTED]. This is aggravated given that he was the hiring supervisor. While the process was not impacted by his failure to disclose, this fact along with his later claims to employees to not know [REDACTED], undermine his integrity and the integrity of the selection process. A violation of Personnel Rule 406.C.14, “The employee has knowingly been dishonest by deceiving, lying, omitting, misleading, misrepresenting or falsifying any statement, facts, documents, or reports in the course of performing their job duties....” is sustained.

d. Gender Discrimination:

There is no evidence to sustain any allegation of gender discrimination by either Tony Miano or Jason Browne. Aggressive behavior towards employees, failure to communicate or involve employees in decisions and alleged removal of job duties has occurred with both men and women in the work group.

However, while not rising to the level of gender discrimination, it is a concern that women in other areas have raised issues with Jason Browne’s treatment of them. [REDACTED], [REDACTED] and [REDACTED], [REDACTED] both stated that Jason was dismissive of them and talked down to them and their impression was that it was related to their gender. [REDACTED] [REDACTED] stated that Jason repeatedly circumvented working with his [REDACTED], [REDACTED], and went behind her back directly to other employees to try and get what he wanted. Jason’s treatment of [REDACTED] could be similarly viewed – but in her case, it is not dissimilar to his treatment of male employees in Solid Waste. This behavior represents a further violation of Personnel Rule 406.C.11.

e. Pay Issues/Hiring Above the Minimum:

Human Resources has not found any violation of City policy with regards to compensation. The requests for a starting salary above the minimum that were made for several external new hires were submitted by the department, reviewed by HR and forwarded on for final review and approval by the City Manager’s office consistent with a process that has been in place for several years now. Human Resources has agreed to review the starting salary and related salary questions brought forward by [REDACTED]. Additionally, HR will review starting salaries for both [REDACTED] and [REDACTED] as noted above.

f. Age discrimination:

One employee interviewed had expressed an opinion that Tony Miano may have been discriminating against [REDACTED] due to her age. There is no evidence to support this. Comments allegedly made by Tony Miano following the hire of Jason Browne (who is 31) that he is not going to hire old people are not reflected in any actions on his part. Nothing was found through this investigation process that would support any allegations of age discrimination.