

To: Don Bessler

7/11/18

Public Works Director

From: Tony Miano *TJM*

Deputy Public Works Director- Field Operations

Subject: Response to HR/Safe Haven Report Dated May 22, 2108

I would like to take the opportunity to thank you for allowing me to respond to the HR/ Safe Haven report investigation of Public Works- Field Operations. I would also like to apologize for this incident as it has caused a distraction to myself, the team and the organization. I am more disappointed in myself then probably anyone else. I aspire to be better then what has transpired, and as I reflect on ways to improve myself as a leader, I see where improvements are needed. I am also looking for ways to heal and share with others the importance of what has transpired and what is needed to move to the next level.

As I reflect on the process and investigation, I feel it was a little disconnected at times, and I felt that there was a bias as I was believed to be wrong even before the start of the investigation. As I was being questioned, I felt that some questions were biased and presented as statements to my answers, or contradictory remarks were made with the opinion of the investigators. Now that I have received the report, biased comments, hearsay, opinions, believed to be truths and first, second and third-party information was placed in the report that is supposed to be factual. In the report, these statements are reported as fact when it is just an opinion of someone which is subjective. The report is pieced together and fragmented to make statements of employees to support each claim, but they have nothing to do with each statement.

Some examples of statements that is throughout this report are not factual, "a few employees believe Tony has changed" ... Several employees state "Tony allows Jason behavior" ... "Several employees reported Tony has 10 new ideas and wants them done immediately... These are examples of undocumented information that is in this report, and that the words "believe, allows, my opinion", are all statements to slant the reader against my character by presenting opinion as fact. Also, some statements have names and some statements just have employees or some employees making the claims, there is no consistency on who stated what. There is a paragraph that points out that I have strong ties to SWANA, and that a nickname given to me by others shows up in this report. I find this troublesome that being part of a professional organization or having a nickname, was insensitive or wrong, that it warrants a place in this report.

Here is another statement that was placed in the report that was second hand opinion as fact. That "Tony can probably make or break your career", again this is a bias statement, that someone who made a statement about me supposedly from another city, is said to be true or fact. Another fragmented fact in this report is that "Tony was overheard, that I wanted to be feared" and that was placed in this report as fact, because someone stated it. I advised the investigators, that I was speaking with [REDACTED] regarding management styles of different bosses I had over the years while in my office. This conversation was lengthy and "I wanted to be feared" was presented as a damaging soundbite as its inaccurately portrays my intentions. Of course, I don't want to be feared: I want to be respected. Allowing employees to think that eavesdropping to a private conversation in offices where information heard in their own perception and then turned into a misrepresentation of the facts, should not be allowed. When one is in an office, thinking the area is secure and having a frank conversation where a microphone is not in their face at every minute should be protected; allowing employees to listen with no regards to privacy; I have concerns with these

actions. I also requested the investigators to speak with [REDACTED] regarding the conversation we had to receive clarity and discredit the person from making this statement, which this did not happen, as no information was placed in the report to say they followed up. Again, throughout the questioning, if I stated there were other people in the room, go confirm the whole conversation, I did not see any follow up documentation in this report that they did so. One would think after a six-month investigation, this would have happened.

On page 14, second paragraph an employee calls Diversity on April 3, 2018 and makes a derogatory statement towards me and it is written that the employee statement is true. Again, during my questioning about this incident I asked for follow up interviews with the other people ([REDACTED]) in the room. No follow up interview was provided or added to this report that the employee was being insubordinate to their manager, saying "no" I will take out ERIC, even though several times she received direction that ERIC was to be parked until it gets remodeled. I have only raised the pitch of my voice twice as the Deputy Director, this time when the employee was being blatantly insubordinate and the other is when an employee was yelling at me in review of their PIP. In both cases there were witnesses, and being firm is not being a bully and as a manager, as I cannot support insubordination.

I find it ironic that the resignation of the previous solid waste manager was tied to a safe haven complaint. Again, the facts that had been omitted from my interview where I advised the manager at their six-month e-plan review where I have documentation that if he could not change his philosophy, he may want to look for other opportunities. I even stated that [REDACTED] was taking notes or they can see my notes if they want to confirm this statement. This was well before a Safe Haven complaint was even discussed. Somewhere the facts of this statement in the report were not forthright and made to look like Safe Haven made [REDACTED] resign.

My hiring practice and hiring above minimum has been called into question, yet throughout my time in this organization I have followed the approved HR method. All hiring salaries are worked through a team process and not authorized by a sole person. These items being in this report shows that a transparent none bias investigation was not provided. If the investigators would have reviewed Public Works hiring process, they would have observed who has authority to hire/above salary within the organization.

There is a statement in the report (pg16) that it is common City practice to have UAEA or TSA representatives sit on interview panels, this is misleading, as it is not a common practice in Public Works. The report spells out a violation of a Personnel Rule 406.c.2 for not following hiring processes (page 16). I find this contradictory as it shows how bias this report is as in the Administrative Summary c. City Recruitment and Selection Policy (first paragraph) that city policy has been followed with regards to recruitment selection and hiring process. The last four hires that I was the hiring authority where, [REDACTED] all from the outside and the only one I knew prior to hiring, who was [REDACTED] and a SWANA member.

I was asked by Steven Methvin after the interview process for the Solid Waste Manager (Jason) as to why [REDACTED] wasn't part of the interview process [REDACTED] asked [REDACTED]. I explained that [REDACTED] was part of the interview panel as she was an observer and gave her feedback into the candidates and was asked to leave when the deliberation was to happen with the interview panel. This was the last I have heard of the situation and now a bias statement is in this report that I am not following "policy" shows up. I looked at the process for hiring in the personnel hiring rules and I did not see that a UAEA or TSA member "Has" to be on an interview panel or it's a policy violation. Therefore, putting the perception of not follow policy is outright bias.

Again, during questioning about my hiring practices, I stated that employees from Phoenix come with 25 years plus experience, and have education and training, where they are being hired all over the valley. The reply was, it's not fair to Tempe employees. This shows that a bias has been pointed at me for hiring outside employees and not Tempe employees. The hiring panel moves forward the best candidates to the second interview. In the second interview is where we have two to three people on the hiring panel, to hire the best person for the job. I feel that I am

being pressured to not to follow the HR process and just promote within because its fairer to Tempe employees, when my whole career I have been trained to hire the best person for the job.

The last paragraph (f). Age Discrimination, why would another opinion be placed in this report of one employee who expressed that "Tony may have been discriminating against (>>>) because of her age." This report is full of opinions, partial conversations and comments from employees that I feel should not be part of the report. This whole process has not been transparent and took way too long, as I was told that the investigation would be over in a few weeks at my questioning (Jan 4th). Months later, I still was not notified of the process until last week. When I requested that the investigation pursue follow up questions to other employees who were in the room to dispute what some employees were saying, this did not occur. Knowing what I know now, I would have preferred a third non- bias party to conduct the investigation, if it was going to take longer than a few months.

With all that I have stated above, I still take full responsibility for my actions and I am not without fault for not watching my words and making it seem that I am insensitive to others with some of my remarks. If I would have guarded my words, I would not be in this situation in the first place. I have supported employees to strive to newer heights in their careers and have worked hard to motivate them and to do more with less and promote within. I have a proven track record that I have supported many employees within this organization to promote. My guiding principal is being firm, fair and consistent when managing employees, I need to reevaluate to ensure that I live by my own creed.

From: Jason Brown

Hello Don,

I have received the report from the investigation. After reviewing the document in its entirety, I feel compelled to say that the report seems very one sided. Employees were filing complaints for over 10 months, and well before I arrived at the City of Tempe in October of 2017. (It would have been beneficial to have some of this information from the Diversity office when I first arrived to the City.) The Diversity office had been compiling these complaints and gave employees ample time to gather their thoughts. I was asked on the spot questions of exact situations that had occurred several months prior with little to no time to collect my thoughts. My first interview was cut short due to only scheduling 1 hour for the entire interview from the committee. After the second interview, when I finally had the time to gather my thoughts to the questions I had been asked, I composed a lengthy response to numerous allegations against me. My entire written response was placed in the back in the appendixes and referenced as followed "Jason submitted a follow-up written response to his interview questioning, which is attached as Appendix C." (pg. 2) The only other mention of my written response was a correction to a previous response during an interview (pg. 3). Not one example of how or why decisions were made were used in the final report. In my written response, and several times throughout the interviews, I mentioned key people that were involved in the decision-making processes or were witnesses to events. I had asked that some of these people be interviewed for their accounts, to my knowledge this did not happen. Not only were my responses not fully portrayed throughout this report, they were summed up to the extent of "Jason denied saying this." (pg.4) and "Jason disputes this." (pg.5) Many of my answers were far more in depth and complete with sound reasoning and explanation than this report displays.

Even more alarming, were accusations included in the report that I was never informed of or questioned on, such as gender discrimination. One example of this was a complaint noted from a member of IT. (pg. 16) There have been issues reported with this IT employee's supervisor about dishonesty and false representation, and I have received reports back that her department and supervisor recognize that she has personality issues. Yet I am the one characterized as having gender discrimination issues. If I was asked about the circumstances with this employee, I could have directed the committee to consider looking into this accusation further with others in Public Works. [REDACTED]. There were also complaints from [REDACTED] that was never brought up during my interviews, yet have found their way into this report. (pg. 13) There was even a complaint about me for a decision to place a supervisor in charge of commercial that was made months before my arrival to the City. (pg. 4)

I feel like there were several accusations made against myself and others that could have been obviously defended, explained, and/or refuted with interviews of other employees or by including my complete responses to questions. In addition, there are statements and accusations made against me, and others, with no facts or evidence... only opinions. For example, employees stated "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." (pg.6) This comment was nothing more than an opinion with no examples or evidence. With the interview of [REDACTED] this could have easily been refuted. I worked within the personnel rules and UAEA guidelines. Being new to the City of Tempe, those were my guiding principles. Though the employees did not like some of the operational changes, they were notified and communicated with. Their supervisor at the time, [REDACTED] even told [REDACTED] and Tony that he personally communicated several things to the group, that they later denied ever hearing.



The Executive Summary reports that they have sustained my actions have been "abusive in attitude, language, behavior, or conduct toward another employee." I believe this is a harsh statement that does not accurately portray my character or actions. I understand and have acknowledged that my language may have been offensive to certain individuals, however there was never any malicious intent. In addition, many conversations were heard through closed doors and not accurately heard by the offended party. Nonetheless, language is something that I have made great progress with and continue to work on. I believe Solid Waste as a group has much to grow in this area. The report also mentions that my management style is "aggressive" and that I have failed to "communicate or involve employees." (pg. 16) These statements are not true and would have been deflated if other parties would have been interviewed as requested. In addition, the summary states that I had been "knowingly dishonest..." by not indicating that I knew one of the applicants during the interview process. (pg16) I had never concealed that I knew one of the applicants, the question from the HR representative before the interview was in reference to if I would have any bias towards any of the applicants. I felt no bias towards any of the applicants, I had worked with one the applicants at a previous employer. This is no different than the employees that were internal applicants going through the same process that I have worked with.

I have learned much throughout this process, but I am also more perplexed by the way in which this process was conducted. In the Background section of the report it mentions that 24 employees were interviewed including witnesses and recommendations from you Don, but I don't see any of the responses from the people I asked to be interviewed... nor are my responses fully portrayed. The reports states complaints from employees being reported about me as early as December, yet I was not informed of some of these issues until April. In addition, none of the concerns that were mentioned in this report were ever reported to my supervisor so that he could help me through these difficult situations or give me a chance to correct any issues. Nor does it seem that employees were encouraged to go through "proper chain of command" to address concerns as it states in the Personnel rules 407.G.2. It appears that they were encouraged to bypass city policy and procedures. According to the Safe Haven guidelines sent out by the City Manager on February 16, 2018, all parties are supposed to be notified every 10 business days. The process and some of the employees have violated Rule 406.C.14 "...knowingly been dishonest by deceiving, lying, omitting, misleading, misrepresenting or falsifying any statements, facts, documents, or reports..." For the employees that made these false accusations and claims where I have actual proof of never occurring, will there be any repercussions under the same rule violations that the report is accusing me of? The process itself has had severe lack of communication and transparency. The report accuses me of bullying an employee, yet was not brought to my attention for several months. I would hope that we would not allow these actions towards another employee to occur for months before addressing. I don't claim to be without fault, nor can I say that I couldn't have done things differently for better results. I am very committed to a long career with Tempe. I have attended Tempe specific training courses for Crucial Conversations and Humanity in the Workplace, and I look forward to signing up for the mentoree program. I welcome additional feedback and suggestions to assist in fine tuning my soft skills. Overall, please know that being an outsider" to Tempe has presented unique and unexpected challenges, but I am dedicated to navigating through them. In speaking to others, I have discovered this is not unique to me or my situation. I will continue to work closely with my Deputy Director, Public Works Administration, and Human Resources to ensure we are aligned in approach and decision-making. Thank you for the opportunity to provide feedback.