

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Deleterious Work Relationships and Dysfunctional Workplace

346. First, I make the following observations regarding the Planning Department employees who participated in this Investigation.
347. There is no doubt that there was a breakdown in the working relationships between the Respondent, the Director of the Department, and the Complainant [REDACTED] who was the [REDACTED]
348. There is also no doubt that there has been a breakdown in the working relationship between the Respondent and the Complainant [REDACTED] Department.
349. The breakdown in trust between these employees translated into a tendency of the Complainants and the Respondent to record, catalogue, and fixate on even relatively minor incidents involving each other, rather than approaching each other directly or letting small annoyances roll off them and moving on.
350. Undoubtedly, these breakdowns have been deleterious to the work environment and the Department as a whole. The Department is small, and strong working relationships are of utmost importance. These negative relationships can (and have) self-reinforced and will inevitably continue to affect the Department if not addressed thoughtfully and effectively.
351. Further, although beyond the scope of my investigation, it is my understanding that this Departmental breakdown has now bled into the District more broadly, including with respect to issues between the Respondent and the CAO and another Director. In my view, this makes it even more important that the District address these issues promptly and decisively.

The Respondent

352. Finally, I note some themes throughout the Respondent's evidence and my findings of fact related to the Respondent. Again, I make these comments by way of context to several of the recommendations outlined below.

353. First, I note that my findings of fact indicate that, although his conduct did not amount to a breach of the Policy or law, the Respondent's conduct was contrary to the District's expectations of its managers in several instances, as outlined in my findings. In my view, most of the concerning conduct stemmed from/related directly to what can be described as the Respondent's poor leadership skills and qualities, including but not limited to a lack of effective, empathetic, and respectful communication skills. Although it is beyond the scope of my Investigation to make general findings regarding the Respondent's leadership qualities or lack thereof, I find it important to note this general theme in the context of my recommendations.
354. Second, although he recognized a breakdown in his working relationships with the Complainants, I found that the Respondent was reluctant to take accountability for his own part in the escalation of tension and the breakdown of communication and trust with these individuals. Instead, he tended to deflect blame onto others and often spoke about his own complaints against [REDACTED], which he viewed as unaddressed by the District. I do not think this was based on dishonesty, but rather a lack of self-awareness of his role, the impact of his conduct, and his responsibilities as a leader.
355. Lastly, as outlined in my credibility assessment above and my findings of fact, I also found that the Respondent's evidence was, at times, internally inconsistent and/or inconsistent with the evidence of other participants and the documents I reviewed. Although I did not find this was due to dishonesty, but rather a lack of understanding and self-awareness, I found this to be troubling for a person in his position.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Corrective Action Appropriate for the Respondent.

362. I have determined that the Respondent's substantiated conduct does not amount to bullying and harassment under the Policy or at law.
363. However, I have found instances of conduct contrary to the District's expectations of its managers.
364. Given this, the District may wish to take corrective action to address the substantiated conduct that it views as concerning and contrary to its expectations of its managers.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

367. Given this, the options I recommend the District consider are as follows.

Option #1: A Negotiated Exit or Without Cause Termination for the Respondent.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Option 2: Continued Employment of the Respondent.

[REDACTED]

[REDACTED]

[REDACTED]