



HUMAN RESOURCES

Maria Aponte, Director

To: Leonard Hernandez, County Manager
From: Maria Aponte, Human Resources Director
Date: November 26, 2024
Subject: Workplace Investigation Report – Executive Summary

On July 26, 2024, an employee filed a complaint with Human Resources against [REDACTED]. In his verbal complaint to Human Resources, the employee made several allegations against [REDACTED], including that she sexually harassed him and failed to repay \$1500 he loaned to her. The County's Internal discrimination complaint policy requires an investigation, which was conducted by an outside investigator, Robin Nielsen, PLLC; attached is her report. In summary, the investigator concluded, on a more likely than not basis, that:

1. [REDACTED] and the employee had a consensual [REDACTED] relationship that lasted from approximately April 2024 to June 1, 2024.
2. [REDACTED] did not violate the County's Internal Discrimination Policy by:
 - a. Sexually harassing or creating a hostile work environment for the employee.
 - b. Subjecting the employees to conduct that was offensive or intimidating to him because of his race.
 - c. Engaging in retaliation against the employee when she terminated his employment on July 26 because she was not aware at the time she made that decision that he had filed a complaint to Human Resources.
3. [REDACTED]'s conduct was, more likely than not, inconsistent with and contrary to the behavioral requirements and expectations of professionalism as outlined in the County's Ethics and Conflict Policy and Employee Conduct statement when she:
 - a. Continued to engage in a [REDACTED] relationship with the employee after she selected him for employment in the Commissioner's Office, and he began working for her as a subordinate.
 - b. Benefited from her [REDACTED] relationship with the employee while creating a risk that he could question any further adverse employment action by the County and allege discriminatory harassment and that she failed to take proactive steps to manage and limit the potential risk to the County that her relationship with the employee created.
 - c. Accepted \$1500 from the employee for her personal use, which could reasonably appear to be an inappropriate use of her position for personal gain or benefit.

The investigator also wrote:

- d. That the informal manner in which [REDACTED] performed some aspects of her work relationship with the employee did not reflect the attention and respect commonly expected of a supervisor and created opportunities for real or perceived abuse of supervisory authority. The report provides examples such as [REDACTED] accepting \$1500 and \$50 from the employee without identifying whether these were loans she needed to repay; failing to ensure that she immediately and consistently paid for items that the employee purchased for her, such as coffee and food; and not ensuring that he was reimbursed for work-related costs he incurred.
- e. [REDACTED]'s decision to engage in a secret [REDACTED] relationship with employee caused work colleagues to question or distrust her judgment because it appeared 1) she did not appreciate the risk that this relationship with a subordinate created for the County, and 2) she failed to recognize the possibility that her actions would reflect negatively on the reputation of the County and its commissioners.

The primary focus of the investigators report was to ascertain the level of legal risk to the County in response to the employee's complaint. The report provides specific evaluation to the various complaints that were made against [REDACTED] and the facts provided by both parties. There are other aspects that need to be considered when evaluating the facts of this situation. As a [REDACTED] represents the highest position of policy level authority in Thurston County. Organizationally, she is a leader, and her actions have a level of weight and importance that are significant. In short, her actions set a precedent that if not adjusted could be detrimental to the work Thurston County does.

There remains a clear and unavoidable work nexus to [REDACTED] and the employee that was under her direct supervision. The lack of clear boundaries and expectations always creates confusion and potential liability in the workplace. As a supervisor of a staff member, [REDACTED] is an agent of the County and thereby represents the employer in all matters. The lack of professional boundaries, workplace decorum, sound judgement, and the application of ethical practices have created a compromising position for [REDACTED] and the County. These actions have also subjected an employee to workplace conditions that are not tolerated in Thurston County. Thurston County does not condone the blurring of professional lines as represented in this situation.

The accepting of gifts and borrowing of money is an additional lapse of judgment. In doing so, a supervisor creates an unhealthy dynamic of obligation. By not exercising managerial judgment and clarity to the situation, [REDACTED] allowed the creation of an environment of unspoken obligation that should always be avoided in the workplace. Thurston County does not condone supervisors accepting gifts and borrowing money from their subordinates or others in the organization when there is a clear power dynamic. As an elected official there is an additional level of awareness that [REDACTED] should have given when thinking about accepting gifts and monetary loans from a County employee.

As summarized in #3 above, the report provides examples of instances where [REDACTED] displayed poor judgment and blurred the lines between personal business and county business. Having the employee drive her around, paint a room in her house, and engage in a [REDACTED] relationship are all examples of that. Thurston County does not condone this type of conduct from its leaders and finds the actions of [REDACTED] to not represent the values of this organization.

From an organizational perspective, [REDACTED]'s behaviors and lack of transparency are also disappointing and troubling, including her failure to disclose to me and you her past [REDACTED] relationship with the employee when she discussed her concerns about his conduct, which ultimately led her to terminating him on July 26. Thurston County employees are expected to be forthcoming with information and facts that fundamentally change the understanding of a situation. Those in positions of authority are expected to act with the highest levels of integrity. Thurston County does not condone the omission of key information from supervisors and managers when deciding on employment matters.

Our leaders set the tone for the rest of the organization and, supervisors in particular, serve an important role and their conduct should foster an environment that is professional and respectful towards those who work for them.

As you are aware, elected officials are not subject to the same disciplinary action an appointed or hired employee would be subject to. If these were the actions of a regular status employee, they would be subject to disciplinary action, up to and including termination.

In assessing this situation, we have identified county policies that need to be updated. This includes asking Commissioners and other elected officials to sign a code of conduct, updating the County's Ethics and Conflict of Interest policy by adding anti-fraternization language among other key items. All of this will be institutionalized by Human Resources conducting mandatory training. Those rewrites have begun. I look forward to further strengthening county policies so that all our employees understand what is expected of them.