



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

kamaral@kitteryme.org

TO: Kittery Town Council
FROM: Kendra Amaral, Town Manager
DATE: March 22, 2021
RE: Council Interference in Administration

In consultation with the Town Attorney, I have decided to release the reports related to the interference of Councilors in administrative matters. The reports have been redacted to comply with state and federal laws.

The Town of Kittery employs over 120 full-time, part-time, and seasonal staff members. As a major employer, we have an obligation to the taxpayers to ensure we follow all federal and state employment laws, the Charter, Town Code, Town policy, and the collective bargaining agreements the Town is signatory to. This obligation is not only required, but is the best means to protect the Town and our taxpayers from avoidable lawsuits and fines associated with improper employment practices.

The Town of Kittery does not take positive or adverse employment actions based on political pressure or interference.

The expectation that I would take employment action against any staff member based on an improper investigation by an elected official was unrealistic and inconsistent with my track record. My work has focused on following proper processes, which in this case means investigating complaints of harassment or wrongdoing, and taking warranted and legally sound action based on all of the evidence and information available. I do so without bias or influence from elected officials, as is demanded by my professional and personal ethics.

The former Councilmember's interference in the administration has had a profoundly negative impact on overall morale and productivity throughout our organization.

We have a lot of work to do to address the issues identified in the formal investigation regarding workplace conflicts in the subject department. I am committed to working collaboratively with the Teamsters Union to get staff back to a place where they feel safe and valued. I am working to assure staff in other departments that they are not being targeted or followed as they go about their daily work.

The Town of Kittery is tremendously fortunate to have a team of public service employees who care about the work they do and the manner in which they do it. Many of the staff members are considered the best in the state for their profession or trade. I will be focusing on restabilizing our workplace culture so that we can continue to retain and attract the best employees. All of this will take time and a commitment from staff and elected officials that we will follow proper processes to achieve the best outcomes.

INVESTIGATOR'S REPORT

**TOWN OF KITTERY PUBLIC WORKS DEPARTMENT
INTERNAL INVESTIGATION OF PERSONNEL MATTERS**

**Summary of Findings
March 12, 2021**

The purpose of the investigation was to collect information concerning a recent pattern of interactions between Departmental employees and two (2) town councilors which precipitated a unilateral investigation into Departmental operations, management practices and other issues, unknown to and without the authorization of the Town Manager or the Town Council as a whole. The investigator was also tasked to elicit information which might identify the existence of potential actionable or unlawful conduct requiring immediate action.

Interviews took place on March 9-10, 2021 at the Kittery Community Center. Every employee within the Department, apart from one (1) new hire, was interviewed. The Teamsters Local 340 business agent was present for all unit member interviews.

The following represents a summary of information gathered during the interviews and following a review of a document provided by the Town's human resources department. The investigator used a consistent format for all the interviews, which format was modified according to the interviewee's work assignment, length of service and bargaining unit membership. All interviewees were free to provide as much or as little information as they wished.

General Summary

1. Three rank-and-file members admitted that they had interactions, either in person or by telephone, with Councilor Denault. One interviewee admitted that he had a telephone interaction with Councilor Lemont. [REDACTED] initiated contact with Councilor Denault for the purpose of providing information to him which was critical of the management of the Department and with the intent that Councilor Denault would act on that information. [REDACTED] admitted to multiple discussions with Councilor Denault and a single discussion with Councilor Lemont but claimed to have not provided or exchanged any information to either councilor. [REDACTED] described a single interaction with Councilor Denault which was confrontational, which was not arranged by [REDACTED] and which did not result in the exchange of information.

2. [REDACTED] responses to specific inquiries about his interactions with Councilor Denault and Councilor Lemont were ambiguous. Moreover, he provided no specific explanation for why he knowingly failed to disclose his awareness of Councilor Denault's activities to his direct superior, Commissioner Rich, or whatever information he gleaned from Councilor Denault during his discussions. Similarly, [REDACTED] made no effort to contact the Town Manager with this information.

3. Several interviewees, principally employees assigned to the Town's Resource Recovery Center and the Department Highway crew, expressed frustration with current management practices in the Department, offered examples of unfair or unreasonable treatment by Commissioner Rich, and/or discussed their dissatisfaction with their [REDACTED]

4. In the opinion of the investigator, none of the complaints or examples offered by Departmental employees during interviews surfaced conduct, previously unreported, that could be characterized as actionable,¹ unsafe or unlawful, requiring an immediate response from the Town. One interviewee did make reference to a piece of equipment located at the Resource Recovery Center that he characterized as "unsafe and dangerous to operate," but he clarified that this issue had been brought to Commissioner Rich's attention.

Direct Interactions with Town Councilors by Departmental Employees

5. Based upon information gleaned during interviews, it appears likely that Councilor Denault's activities commenced following personal contact that was initiated made by [REDACTED]. No other information was offered which would indicate that some other source of information motivated Councilor Denault to undertake his investigation and monitoring of Departmental employees.

6. [REDACTED] stated that he first scheduled a meeting with Maureen Paro and Kendra Amaral in August 2020, for the purpose of discussing a set of concerns about Departmental operations and Commissioner Rich's management practices, which he had summarized in the form of a document he prepared and submitted during the meeting. Both Ms. Paro and Ms. Amaral were present for that meeting.

7. [REDACTED]

8. [REDACTED] claimed that he was motivated to discuss the document and his concerns with Councilor Denault only after he had been given a representation by Ms. Paro and Ms. Amaral that Ms. Paro would follow up with him once the issues reflected in his document were evaluated and human resources had an opportunity to collect additional information. [REDACTED] claimed that "at least four (4) months passed," with no specific follow-up from Ms. Paro, before he decided to share his document and the issues summarized in it, with Councilor Denault.

9. During his interview [REDACTED] did confirm that he mentioned a piece of Town equipment he believed was broken and felt was dangerous to operate, within the document he provided to Ms. Paro. [REDACTED] did not elaborate during his interview whether

¹ In this context, actionable is intended to define conduct that would approximate or meet the legal standard for discrimination, harassment or retaliation.

that issue had been resolved. [REDACTED] did indicate that this issue, involving the broken equipment, was brought to Commissioner Rich's attention, so I did not follow up on the issue with the Commissioner. [REDACTED] did not specifically identify anything else that suggested unlawful or actionable misconduct. The issues he characterized during his interviews largely involved criticisms of Commissioner Rich and [REDACTED]

10. Councilor Denault is a frequent visitor to and familiar face at the Town's Resource Recovery Center. This predictability provided [REDACTED] with an ample opportunity to provide Councilor Denault with information about internal Departmental operations and management practices.

11. According to [REDACTED] his first contact with Councilor Denault on these issues occurred while he was working at the Resource Recovery Center, sometime "between December 20 and February 1." When pressed, [REDACTED] could be no more specific.

12. In explaining why he approached Councilor Denault, [REDACTED] referenced the lack of follow-up by either Ms. Paro or Ms. Amaral. [REDACTED] also reasoned that since so many of the issues identified in the document involved criticisms of Commissioner Rich, it was not reasonable to expect him to have submitted the document and the issues directly to the Commissioner. [REDACTED] claims that he did not bring the documents and the issues to the attention of his [REDACTED] [REDACTED] because he "doesn't trust him" and "he is too close and too friendly with the Commissioner." [REDACTED] also admitted that he made no effort whatsoever to contact the Local 340 business agent prior to initiating a discussion with Councilor Denault. The fact that [REDACTED] [REDACTED] in January 2021 does not appear to have impacted [REDACTED] decision-making on this point.

13. [REDACTED] stated that she was unaware of [REDACTED] document and the concerns reflected in that document until recently, when Councilor Denault's unilateral investigation and monitoring of Departmental employees came to light.

14. According to [REDACTED] during their first contact, he told Councilor Denault that, "I brought it [his issues] already to Kendra," to which Denault told him, "if you have and nothing happened, it's OK to come to me."

15. [REDACTED] concedes that he had multiple interactions with Councilor Denault during work at the Resource Recovery Center, which involved discussions about Departmental operations and his concerns.

16. At least three (3) interviewees identified [REDACTED] as someone who they "understood" had been in direct contact with at least one Town Councilor concerning Departmental operations, management practices or what [REDACTED] believed to be problems within the Department. One of these interviewees indicated that [REDACTED] himself indicated as such to him. Two (2) interviewees stated that "it was commonly known" that [REDACTED]

was interacting with Councilor Denault and this information was discussed openly amongst Departmental employees.

17. ██████ claims that he first became aware that Councilor Denault was engaged in an investigation of Departmental operations and management practices from Resource Recovery Center employees, who reported to him that Councilor Denault “was hanging around the Transfer Station and asking a lot of questions.” ██████ claims that he initiated contact with Councilor Denault for the purpose of “finding out what he was doing and why he was doing it.” He indicated that this occurred in “late January or early February.” ██████ recalled, “I was hearing about people looking into 2 employees who were taking extended lunches.” ██████ claims he called Councilor Denault and was told that Councilor Denault was following up on information provided to him about several instances of serious misconduct within the Department. ██████ denied that he was the source of this information.

18. ██████ stated that he spoke to Councilor Denault on three (3) occasions by telephone. ██████ was directly asked whether, during any of these calls, he responded to specific questions posed to him or offered other information to Councilor Denault about Department operations or management practices, and he categorically stated that he did not. ██████ made clear, “he [Councilor Denault] already knew about the women.”

19. ██████ stated that, after the initial telephone discussion, upon learning that Councilor Denault was continuing to collect information about the Department and issues that were being brought to his attention from Departmental employees, he reached out a second time for the purpose of “finding out why Councilor Denault was continuing to ask questions of the guys at the Transfer Station.” ██████ stated that he did not recall the details of that conversation and claimed that he made no effort to provide any information to Councilor Denault or to discuss Departmental issues.

20. During a third and final telephone discussion with Councilor Denault, and during a single telephone call with Councilor Lemont, ██████ claims that both councilors told him, “please call Kendra.” ██████ stated he could not specifically recall why the councilors wanted him to reach out to Ms. Amaral or what they wanted him to share with her. ██████ confirmed that he never contacted Ms. Amaral in follow up to the councilors’ requests.

21. ██████ conceded during his interview that he never spoke with Commissioner Rich to disclose to him that a town councilor was collecting information from DPW employees at the Resource Recovery Center and made no effort to notify the Commissioner about any of his conversations with either Councilor. When asked specifically whether he felt that he could bring a serious work-related matter to Commissioner Rich’s attention if he needed to do so, ██████ answered in the affirmative. He offered no reservations in connection with that response.

██████████ shared information about their comings and goings during work with Councilor Denault. Both employees noted that ██████████ demeanor toward them changed significantly and he has largely stopped communicating with them during work, as soon as information about Councilor Denault's surveillance activities was made public. Both found this change particularly significant. Both ██████████ and ██████████ stated that Councilor Denault's actions have caused sleeplessness, eroded their feelings of personal security while in public places, and created ongoing uncertainty in their minds about whether they are still being monitored.

29. I did not view some of the statements made by ██████████ during his interview to be credible. First, Ms. Paro's notes from her January 2021 meeting indicate the sole purpose of the "late January" meeting was not retirement planning, as alleged by ██████████. Second, ██████████ was adamant that, during his conversations with Councilors Denault and Lemont, he never provided factual information about Departmental operations, ██████████ ██████████ and ██████████ conduct, his own complaints, or what he believed were problems within the Department. Based upon information provided to the Town Council by Councilor Denault, ██████████ does not appear to be truthful on some of these points. Third, it is not clear that ██████████ is being truthful in connection with whether he encouraged Councilor Denault or assisted him in his efforts to monitor ██████████ and ██████████.

30. It is highly probable that Councilor Denault interacted with multiple employees located at the Resource Recovery Center, not just ██████████ to collect information related to his investigation and monitoring of Departmental employees. Although I was unable to verify this through employee interviews, it certainly was clear that the employees based at the Center are generally close-knit, share a mutual dissatisfaction with the management of the Department, and distrust their ██████████ ██████████ ██████████ who is located at the Town Garage. Councilor Denault is a frequent visitor to the Center. I do not believe that the Resource Recovery Center ██████████ ██████████ was entirely forthcoming about the overall situation, particularly about the extent of his involvement in interacting with Councilor Denault on these issues.

31. During my interviews, no employee assigned to either the Parks or Highway crews conceded or provided information confirming that they provided information to Councilor Denault or indicating that one of their fellow crewmembers served as a source of information for him. While several interviewees assigned to either the Parks or Highway crews did identify specific concerns, management issues and other information critical of Commissioner Rich during their interviews, I was unable to elicit any information sufficient to conclude that employees assigned to those crews acted as conduits for Councilor Denault.

Additional Information Provided by Departmental Employees

32. Recently a written petition was circulated amongst unit members within the Department intended to force ██████████ with the goal of removing ██████████

22. ██████ reported that he scheduled a meeting with human resources, specifically Ms. Paro, “in late January [2021]” for the purpose of discussing retirement planning with her.

23. According to ██████ when he met with Ms. Paro in January 2021 it was for the purpose of obtaining information related to retirement planning and health insurance coverage options if he decided to retire. “I was curious about the insurance.” ██████ stated that in January 2021 he did not arrange to meet with Ms. Paro to complain about his work environment, report misconduct involving Commissioner Rich, or to disclose that a Town Councilor had been asking questions about Departmental operations. ██████ did not mention that the meeting was related to an incident in which he called an employee outside the bargaining unit ██████ to work during a weather event, despite having been given very specific instructions from Commissioner Rich on when that was appropriate.

24. ██████ Ms. Paro’s ██████ meeting with ██████ occurred on January 28, 2021.

25. ██████ denied that he ever provided any information to Councilor Denault related to whether ██████ and ██████ were doing personal errands during worktime or which was intended to enable Denault to “monitor” them. Although I was unable to establish who shared information with Councilor Denault that both employees were allegedly engaged in a pattern of leaving work to do personal errands (shopping), there is no dispute that Councilor Denault “tracked” both ██████ and ██████ and photographed them as part of his unilateral investigation of Departmental operations and management practices.

26. ██████ shared an opinion that his work relationship “changed” with Commissioner Rich right after his January 2021 meeting with Ms. Paro. ██████ believes that Commissioner Rich “developed an opinion about why he was meeting with HR” and stated that the Commissioner expressed anger with ██████ about it. ██████ claims that he explained to Commissioner Rich, during a discussion intended to clear the air, that his meeting was only related to planning for his upcoming retirement.

27. Commissioner Rich indicated that he has repeatedly counseled ██████ about a lack of attention to detail, his failure to be responsive in connection with projects and other tasks, and an overall fall-off in his job performance. Rich indicated that these discussions, handled informally, began prior to January 2021.

Information Concerning the Monitoring of Departmental Employees

28. Based upon my interviews with ██████ and ██████ the monitoring activities undertaken by Councilor Denault has had a profound impact on their attitude toward their job duties, their trust level with certain coworkers (most notably ██████) and their own emotional wellbeing. Both employees are convinced that it is likely that

██████████ Many employees used their interviews as an opportunity to express their dissatisfaction and frustration with ██████████ service as ██████████. A variety of issues were offered as examples of his unsuitability to continue as ██████████ including his close personal relationship with Commissioner Rich.

33. Despite multiple interviewees' willingness to disclose a variety of complaints about management practices, unfair treatment and favoritism, it is notable that there have been no grievances filed by unit members within the Department, in the recent past, in connection with any issue, regardless whether it involved a single employee, work conditions in general, or some issue affecting the entire bargaining unit.

34. During the course of interviews, I asked interviewees a variety of questions associated with allegations that ██████████ had abused two (2) Departmental "customs," specifically Departmental mechanics' authorization to perform maintenance work on personal vehicles outside of work hours and ██████████ creation of metal ornaments (from discarded propane tanks) in the Town Garage. I did not uncover any credible information suggesting that either ██████████ or the other ██████████ ██████████ had utilized Town equipment or supplies for their vehicle maintenance projects or were personally profiting from this specific activity. Although one interviewee claimed he "had overheard" that ██████████ had used a Town credit card to purchase spray paint for his personal use, related to his creation of metal ornaments, no first-hand information related to this allegation was offered by any interviewee. There is no dispute that ██████████ was instructed to end his creation of metal ornaments in the Town Garage after hours, once it was confirmed that he was advertising these items for sale on social media. No interviewee elicited any other information about the extent to which either of the Departmental mechanics were concealing or misrepresenting the extent of their activities.

DENAULT'S REPORT

[REDACTED]

Shopping on duty at various stores

- Demoulas
- Alde's
- Trader joes
- Golden harvest
- Carls meat market

Usually using [REDACTED] UNMARKED [REDACTED]

Enjoying a Role greater than the job Description

DIRECTING employees such as [REDACTED] and others

- Ulterior Motive to be promoted to [REDACTED] position
- Concerted effort to elevate her Selective Hiring

Changing a job description from Highway Foreman with specific requirements and tailoring the job description to [REDACTED]. [REDACTED] is under more scrutiny and being singled out for part of the plan.

Possible statement made by [REDACTED]

ALLOWED TO SHOP BECAUSE [REDACTED] DID IT!

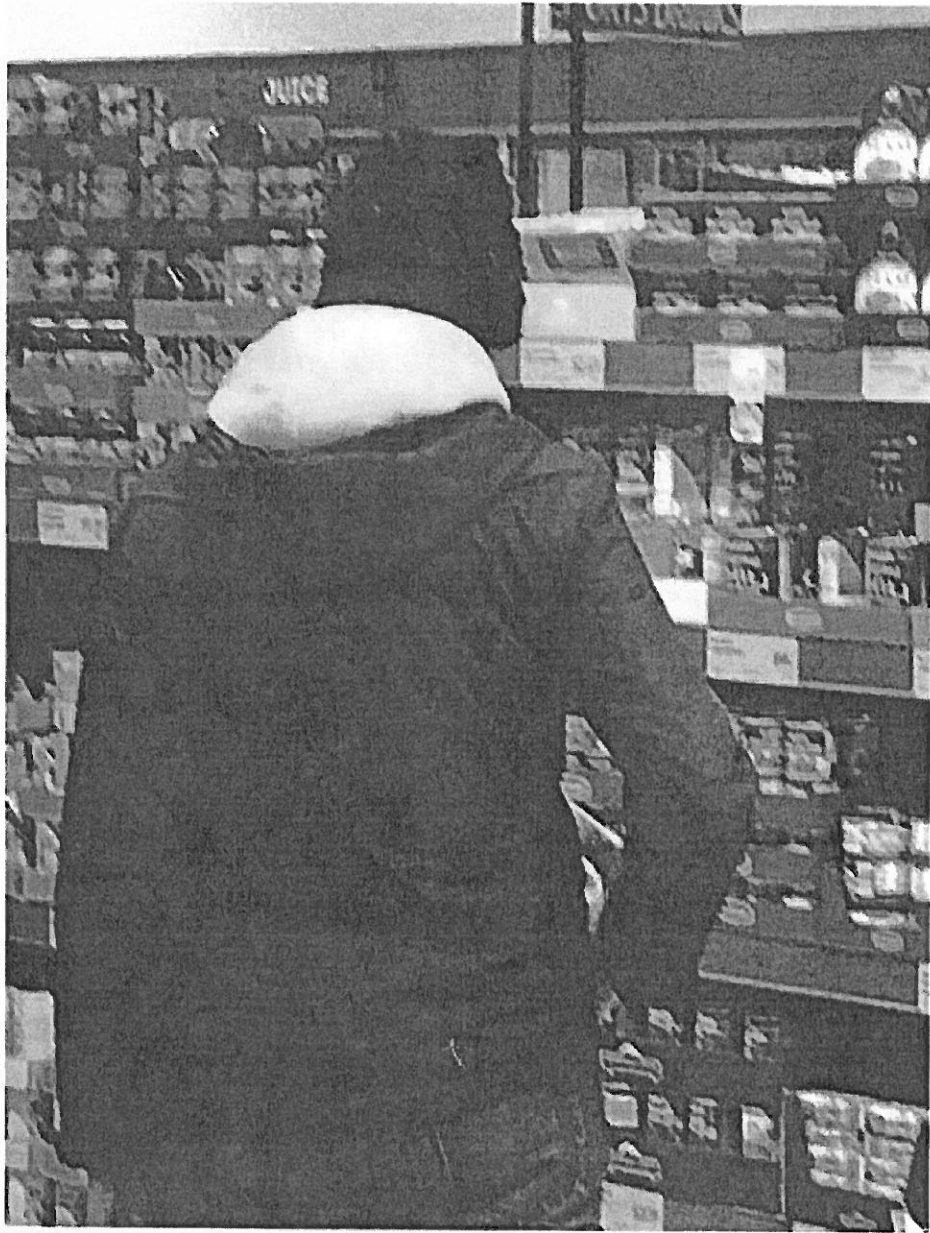
[REDACTED] **FRIDAY, JANUARY 22nd 2021 between 1147 am and 1230 PM**

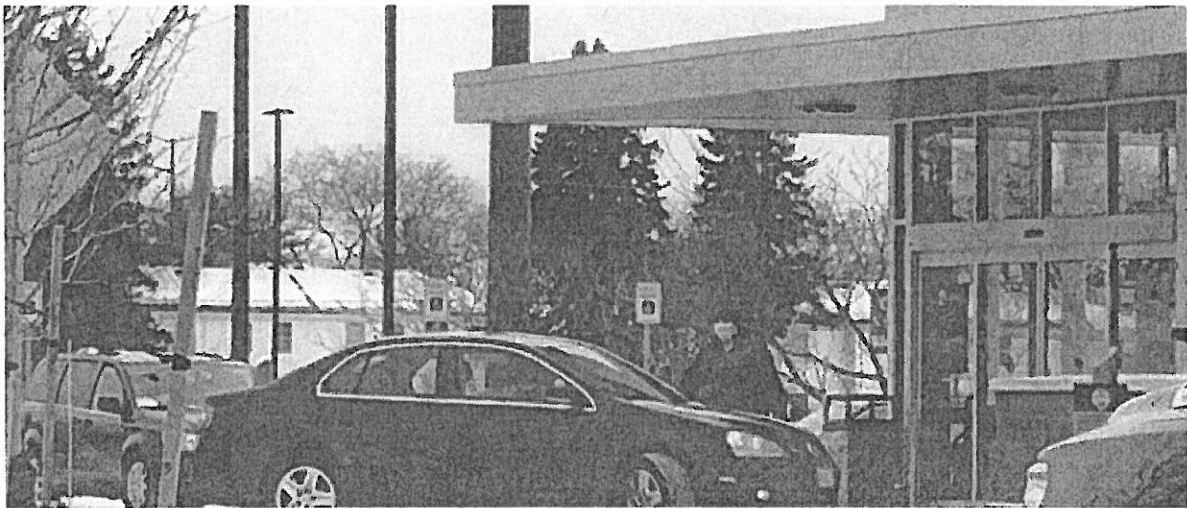
Left work at approximately 1155 and returned at approximately 1140 hours. Went to Carl's meat market and then each placed a shopping bag into the car then went to Golden Harvest. Shortly thereafter returned to DPW

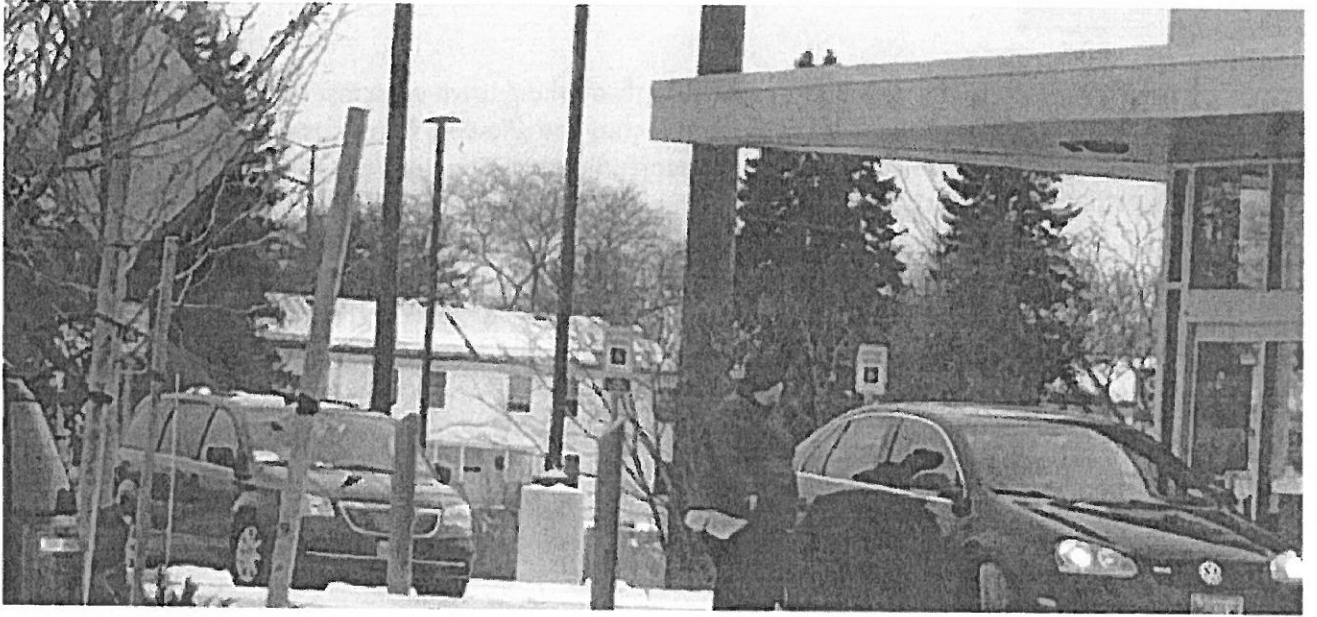


██████████
January 29th, 2021. Between 1245 and 1345

██████████ left and went to Trader Joes, pulled in and paused, they left Trader Joes due to high traffic, many people standing in line. They went to ALDI's. Both went into the store; ██████████ got a shopping cart and they split up. ██████████ was can goods isle. Shortly thereafter ██████████ independently returned to ██████████ vehicle and ██████████ began unloading the cart and ██████████ appeared seconds later and began to help as well. ██████████ returned the cart inside the store and ██████████ pulled up and picked her up. They then left the ALDI's parking lot and went to Trader Joes. They again pulled into a spot but left a few seconds later since the line was still too long.







██████████

Is allegedly violating Town Policy on properly marking town vehicles. Has yet to put decals on the Town Truck thereby remaining undetected and allowing for misuse of Town Property. Allegedly not offering a promotional opportunity to DPW members and hires a relative.

Question: Was a background done on the subject?

Workers Compensation Claim by the person at his prior work place in Sanford Maine.

Previous work Chandler Towing. Out on Workman's Comp. ???

Alleged to be out on disability yet rides with ██████████ and Four wheeling.

Does the Town have a nepotism policy? I believe so. Former School Committee member.

Past practice.

After I brought issues to the Town manager, ██████████ allegedly went to the DPW garage and then to the Transfer Station and threatened the employees and demanded to know who went to Kendra.

Quote

Recently ██████████ threatened employees and ranted about grievances. Many statements were made including this quote:

January 28th, 1009 to 1058 PM

If we do get a grievance, then that puts us in a situation where we have to start following the contract more explicitly and people will be start being reprimanded for more things that are occurring around, we know that things happen around ahh here and there where people have incidents where they hit something or damaged something or whatever. Ahhm those things are typically are a write up thing. and and

He recently stated:

██████████ is usually my technical guy for for getting everything modified. He's my go to when I don't have time to go order a bunch of crap and stuff. ██████████ jumps in and takes care of it so, ██████████ is usually the lead and ahh with especially with all the stuff up that we get up here on this building and everything like that you know it's not always a case where I have tons of time to start chasing material down, should ██████████ be doing it probably not, could be somebody else like that, yeah were not going there

██████████

Accused of driving over traffic cones at the Dump and making the dump employees pick them up.

- Potential Safety Hazard, if someone was to drive over it or swerve to avoid, it could cause an accident.

Routinely sitting around doing nothing and/or taking on a role greater than is intended

Making Propane Sculptures with town resources

- Welding Rod
- Acetylene
- Metal
- Propane Tanks which is Town Property
- This requires a two dollars fee from residents who discard them
- Vendor buys them and takes them
- Welds, Paints and sells them

Word of Mouth

Facebook ██████████

Pictures on Facebook show KDPW garage bays

- Other issues such as gifting, sales and
- Are others knowingly obtaining stolen property.

Has possession of Town Credit Card

- Audit should show painting supplies, welding supplies and other purchases
- i.e. PINK PAINT

Harassment of Dump Employees

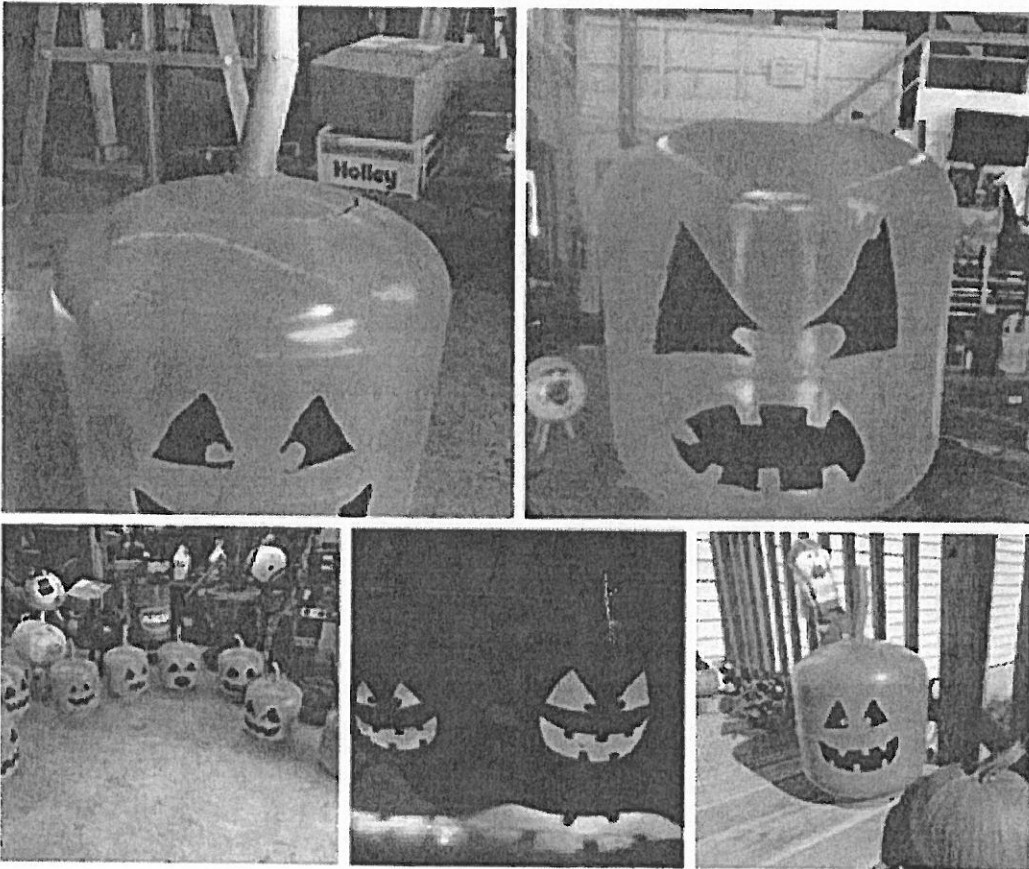
Drove Town Truck into the Desk of the Gate Attendant at the upper landfill area.

There is allegedly more employees others can tell but some are afraid of retaliation and the fact that they all can fix their cars inside the bays of DPW and ██████████ allegedly helps them. Some will come forward.



October 18, 2020 at 2:00 PM · 👤

Selling cut out jack o lantern propane tanks!! \$20. Let us know!! We have some in stock which we never do!!!



👍❤️ 28

12 Comments

👍 Like

💬 Comment



October 18, 2020 at 11:43 AM · YouTube · 👤

Thought you might like this!!! Ha, ha.





October 26, 2020 at 7:25 PM · 👤



Thank you [redacted]
for my amazing Jack Skellington & Oogie Boogie
recycled propane jack-o-lanterns 🎃 🧡 🕸



and 12 others

2 Comments

👍 Like

💬 Comment



25 PM · 🌐





Write a comment...



[REDACTED]
February 5th, 2021 Between 1345 and 1445

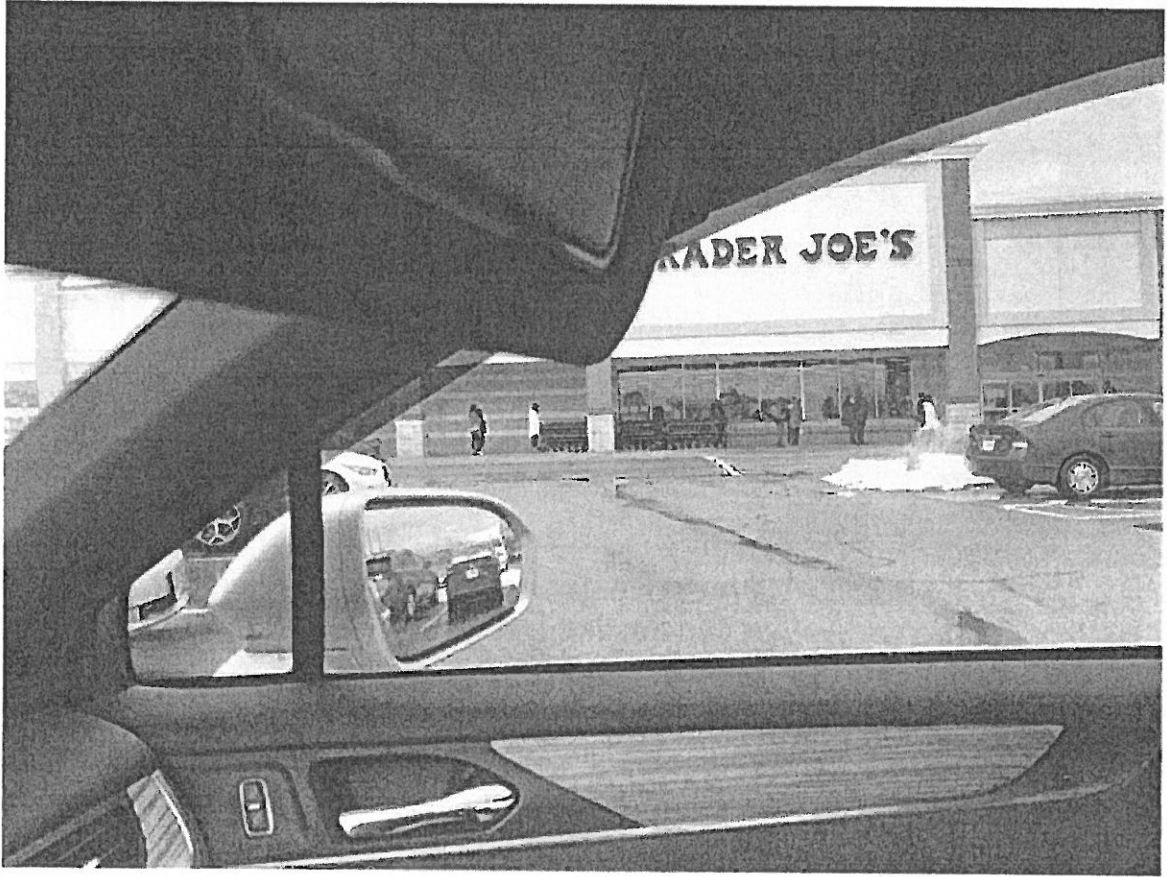
February 5th 1403 PM

On February 5th 2021 at approximately 1337, [REDACTED] left the Town of Kittery DPW and drove to BJ's. Upon pulling into the parking lot, they kiddy cornered three spots diagonal and paused. They appeared to be staring at a [REDACTED]

[REDACTED] personal vehicle was parked in the BJ's lot a facing Maine and [REDACTED] had pulled in a few car lengths away before leaving. Then they left the parking lot and headed towards Newington NH.

I arrived at Trader Joes at approximately 1347 and spotted [REDACTED] standing in a long line. [REDACTED] had parked near the shopping cart storage area. At approx. 1405 the entered the store. The left the store at approximately 1429 and loaded up [REDACTED] trunk. [REDACTED] came out first then followed by [REDACTED] about 2 minutes later.

Once they loaded their purchases in the trunk, they left and headed back to Kittery. At Kittery, they parked and went back into the DPW building.

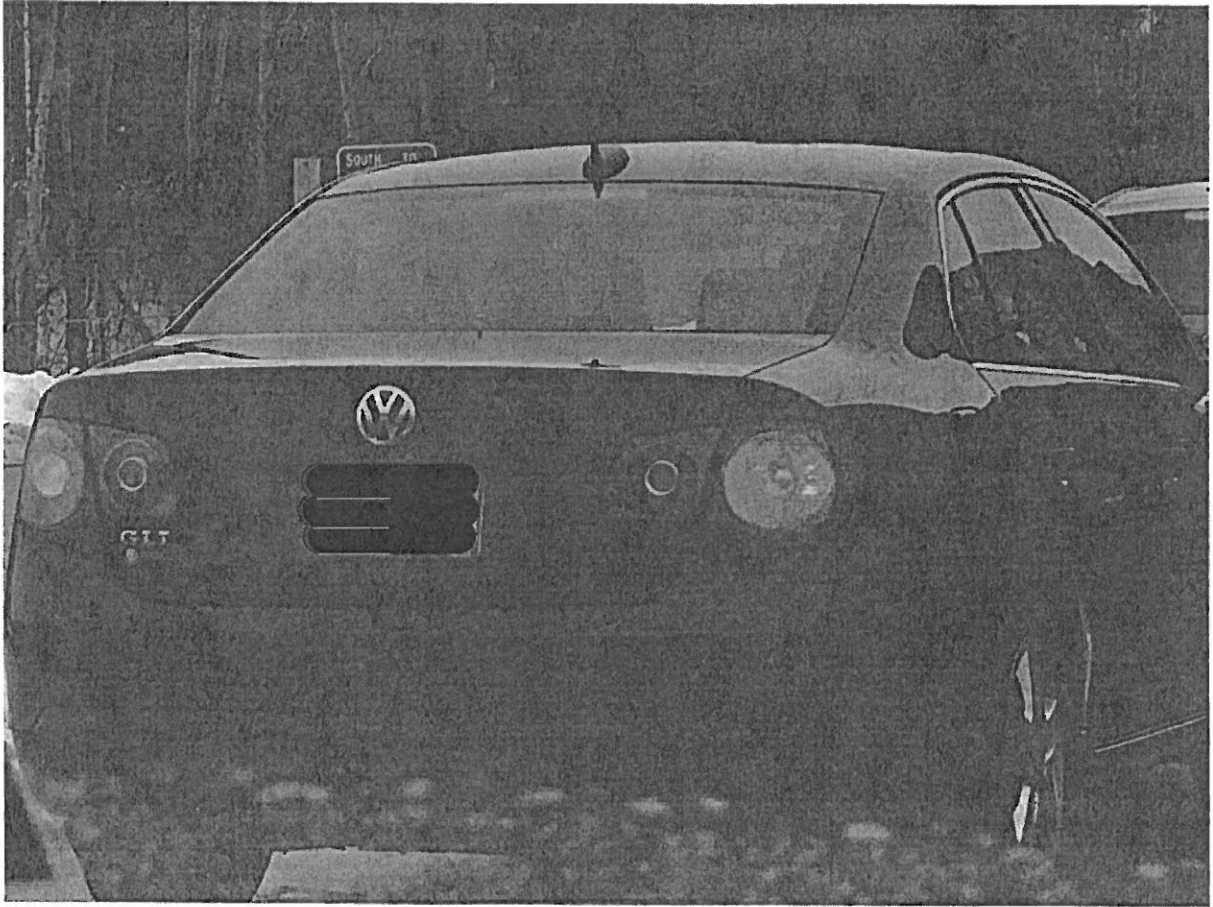


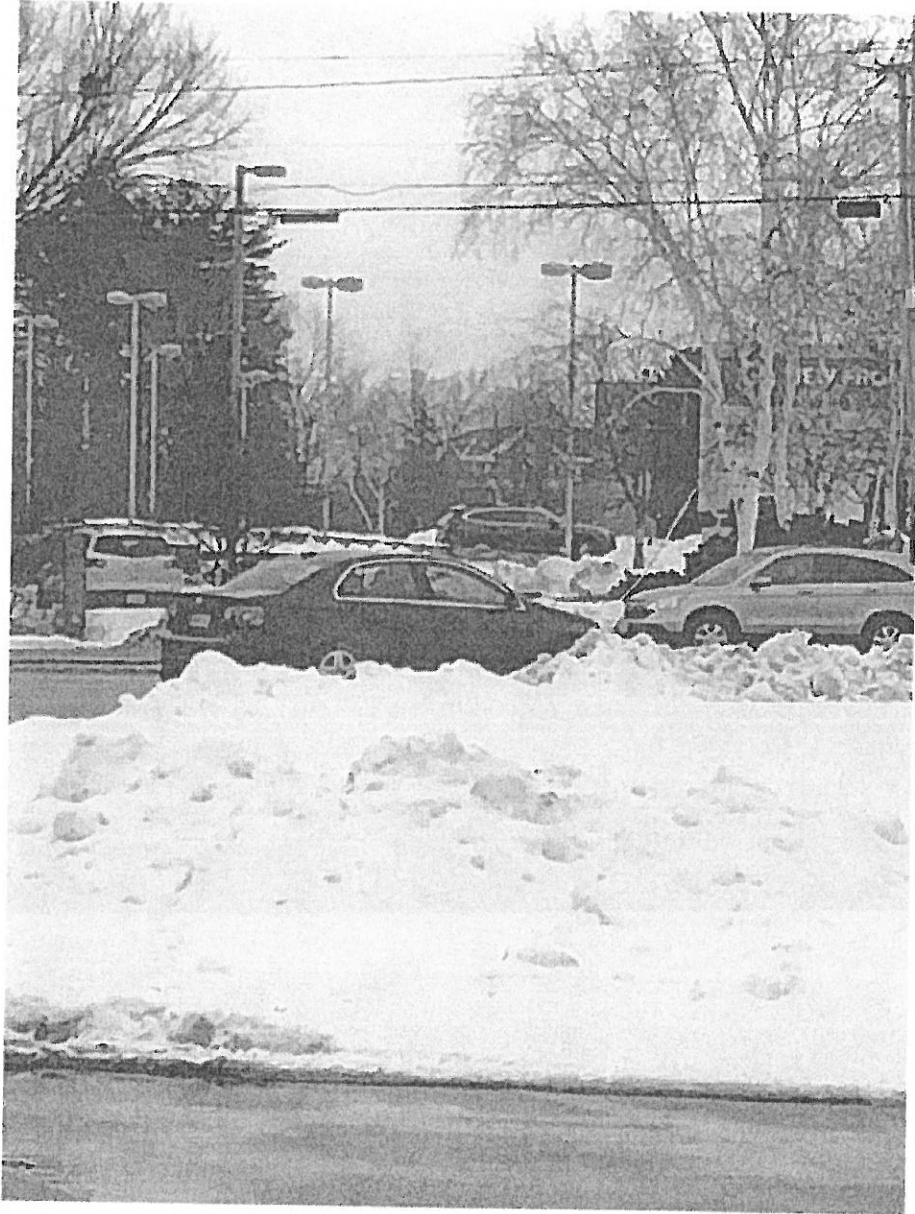












From: [Charles H. Denault Jr.](#)
To: [Kendra Amaral](#); [Kenneth Lemont-Personal](#)
Subject: Issues
Date: Friday, February 19, 2021 5:53:08 AM
Attachments: [DPW9.docx](#)

Kendra

Please add this to the list..

v/r
Charles Denault
Kittery Town Councilor

--

This was sent via my GMAIL Account.

02/17/2021

History Reference:

The Town sells surplus and end of life property on web sites designed to allow open and fair bidding on Town Property. There are ways to list said property and list the quality, condition and value of the product to get the most money possible for said items from interested parties.

On or About February 10th, it was brought to my attention the following.

As a result of such a Town Auction, on a similar auction web site, [REDACTED] [REDACTED] purchased a Town Truck (Ford Super Duty) for the alleged sum of \$5000.00 dollars. After winning the high bid for this truck, [REDACTED] [REDACTED] proceeded to repair the truck for an alleged cost of an additional \$5000.00.

The alleged information passed onto me was that these repairs were conducted on Town Property, namely the garage at DPW and it was worked on during the regular work days and off hours.

I did not inquire if:

- The repairs consisted of Town parts
- The parts were paid for out of pocket but given to him at a Town Jobber discount
- There was labor performed by employees including [REDACTED]
- To what the extent of repairs consisted of
- There was an estimated value for the truck prior to auction
- It was worded to get the most money possible for the sale.

I am concerned about the complaint.

Charles H. Denault
Kittery Town Councilor

TOWN MANAGER'S REPORT



TOWN OF KITTERY
Office of the Town Manager
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806
kamaral@kitteryme.org

FROM: Kendra Amaral, Town Manager
CC: Stephen Langsdorf, Town Attorney, Preti Flaherty
DATE: March 12, 2021
RE: Councilor Accusations against Employees

The intent of this memo is to summarize the accusations, and steps taken regarding the situation involving Councilor Denault and Councilor Lemont. The focus is solely on the items that related specifically to the operation of the Town administration and staff.

An investigation into the accusations include a review of records, collective bargaining agreements, town policies, and interviews of all staff members in the department. The interviews did not reveal any new accusations of wrongdoing against the targeted staff.

1. Employee timecard was altered

Reviewed the timecard in question and the prior three months of all timecards. No evidence supporting the accusation was found.

Accusation was determined to be false.

2. Shopping “on duty” by staff, staff “stealing time”

Full-time employees are entitled to a combined hour of break time during the day. How that breaktime is scheduled and used is governed by policy, CBAs, and department operations. Reviewed Denault’s report of accusations which indicate time away from the office was approximately one hour or less on the three days reported. Reviewed three months of timecards. Reviewed Title 4, Collective Bargaining agreements, and Town policy.

No interviewee specifically alleged that the employees at issue: (1) left work early and did not return; (2) showed a pattern of leaving work for any extended amount of time, or; (3) left work after being specifically instructed not to do so or without authorization. Both employees had flexibility in terms of when they were authorized to take their lunch breaks, neither employee was subject to any restriction in terms of whether they had to remain on the premises or not.

There is no evidence of policy violation or wrongdoing. Accusation is determined to be false.

3. Employee using unmarked town vehicle

The accusation fails to state what the alleged violation is. Complaint appears to be about which vehicle the employee is assigned in performance of their duties.

There is no evidence of policy violation or wrongdoing.

4. Employee(s) enjoying a role greater than the job description

Questions and concerns regarding assignments are to be raised and resolved by the employees' supervisor. Union employees utilize the grievance process, per CBA. Job descriptions include "and other duties as assigned". There are no grievances regarding this in process with the governing CBA units.

There is no evidence of a policy violation or collective bargaining agreement violation.

5. Town vehicle is not marked

There is no policy on marking town vehicles. Accusation of "potential misuse" appears to be speculative at best and is not actionable.

There is no evidence of policy violation or wrongdoing.

6. Employees threatened by Supervisor after "issues brought to Town Manager"

Issues were not provided to the Town Manager by Denault or employees prior to the meeting cited in Denault's report. The Denault report references a conversation among staff after a union member threatened to file a grievance against the Town for another union member's violation of the CBA in assigning overtime. Interviews did not result in any evidence of harassment.

Accusation is determined to be unsubstantiated.

7. Position "recently created" in order to give it to Supervisor's relative. Employee was hired without background check.

The seasonal position in question has been posted and filled since 2011. Named employee was hired in June 2020 as a seasonal staff member. A full background check was performed consistent with Town Policy and included reference checks.

Seasonal employee was transitioned to fill one full-time position when two full-time positions became vacant in December 2020. Transition was completed only after consultations with bargaining unit members, as requested by Town Manager. Employee had no record of performance issues from the supervisor.

The Town does not have a nepotism policy, but requires no relative report to another.

Accusation is determined to be false. There is no violation of Town policy.

8. Employee hired is "disabled" from a prior job.

It is illegal to discriminate against candidates based on a perceived or known disability. Hiring decisions must be made on the person's ability to perform the job duties as presented in the job description.

There is no documentation from supervisor regarding performance deficiencies of named employee.

Town may not explore medical information without a legitimate, non-discriminatory reason to do so. No basis to investigate further at this time.

9. Employee conducting a private business with Town Resources and using Town credit card for personal purchases

Conducting a private business on Town property and/or using Town business cards for personal items

is not permitted.

Reviewed invoices for business card purchases from FY21 July 1 to January 31 and found no evidence of improper purchases or purchases that do not serve Town functions. Pink paint was purchased in FY19 for artwork (pink pig) that was raffled as a Town sponsored prize at the Town's Recycling booth at the Block Party.

Existing work conditions require the named position to use some of their own tools to perform work on the Town vehicles and equipment. Their personal tools are stored on town property, and the employees are allowed to access their tools and use of the town property for personal use after-hours as an established past practice work condition.

Private business occurring afterhours has been ended. Accusation of using Town funds for private use is determined to be false.

10. Employee taking material from the Resource Recovery Facility that the Town could sell

The Town's hazardous waste contracts require the Town pay to dispose of hazardous materials it collects at the KRRF, including paying to dispose of the material cited in Denault's report.

Accusation is determined to be false.

Follow-up items:

Look at whether the Town should change its processing and price structure for certain material that the Town is able to dispose of for no cost if employee wishes to take them. Determine whether such disposal is consistent with DEP permit for hazardous waste handling.

11. Employee accused of "harassment"

Town policy requires complaints of workplace harassment must be made by the employee to the supervisor, department head, Human Resources, or Town Manager.

Interviews did not result in any evidence of harassment.

Accusation is determined to be unsubstantiated. No further action to be taken.

12. Employee rigged a bid for surplus town property

Accusation includes no actual evidence of wrongdoing and appears to be pure speculation. Interviews did not generate any additional factual basis for this allegation.

The Town utilizes a third-party bidding service for the sale of surplus equipment and vehicles that have residual value. There is no policy that prohibits a Town employee from bidding on the items. The third party handles the bidding and documentation.

Accusation is determined to be false.

13. Employees getting their personal vehicles worked on after hours.

Existing work conditions require the mechanics use some of their own tools to perform work on the Town vehicles and equipment. Their personal tools are stored in the Town garage, and the employees are allowed to access their tools and use the garage after-hours as a past practice work condition.

It is not an uncommon practice for trades-based operations (private and public) to allow employees to

use facilities after hours for their own work, in consideration for the use the use employees' privately purchased tools. Though common practice it does raise questions of liability if there were to be injuries or physical damage resulting from the after-hours use.

Follow-up items:

Develop an inventory of personal tools being used to the benefit of the Town and look into the Town purchasing all needed tools for the mechanics. Negotiate with Union about possible change in work conditions.

14. Employee raised concerns and did not receive response

Reviewed meeting with HR Manager and reviewed HR Manager notes. Notes include statement that Town Manager needed to consider the letter and consider what may be next steps. Employee was not told he would receive a report back on any actions taken. HR Manager confirmed she spoke with employee after the meeting and reiterated that the employee would not receive a report back from the Town Manager regarding any actions taken.

Reporting structures and work responsibilities are set out in CBAs. The employee did not raise ideas and concerns regarding job responsibilities and organizational structure to Union steward or Business Agent.

Accusations determined to be unsubstantiated.

Follow-up items:

Union Business Agent agreed to train members on how the CBA works, proper processes for raising issues covered by the CBA, and chain of command.