

CONFIDENTIAL EXECUTIVE SUMMARY



July 19, 2021

KRAMER WORKPLACE INVESTIGATIONS

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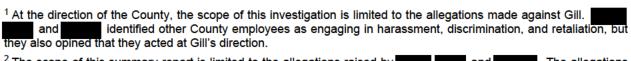
Pursuant to the request of the County of Sacramento ("County"), Karen Kramer conducted a fact-finding investigation concerning complaints of discrimination, harassment and retaliation made by employees in the County's Department of Health Services (DHS) Department.

I. INTRODUCTION

The County retained Kramer Workplace Investigations on or about October 15, 2020, to investigate the complaints made and both of whom alleged they were discriminated against by former County Executive Officer Navdeep Gill and members of his Executive Management team. On October 27, 2020, the scope of the investigation was expanded to include the complaint made by County whose complaint raised issues very similar to the ones raised by and On or about November 20, 2020, the scope of the investigation was expanded to include allegations raised regarding Gill's management style. ²
The three complainants alleged they were discriminated against and harassed by Gill on the basis of their gender, which they all identified as female. and also alleged they were discriminated against and harassed on the basis of their race, which they identified as Black. alleged discrimination on the basis of her age, which she identified as 64 years old as of the date of her interview in November 2020.
In addition to allegations of harassment and discrimination, alleged that she was retaliated against for requesting to declare a public health emergency regarding COVID-19, while claimed she was retaliated against for sending a letter to the County Board of Supervisors in support of
This document is a Summary Report of Investigative Findings regarding the allegations of harassment, discrimination and retaliation made by and and This summary report contains factual conclusions based upon the information made available during the course of the investigation. It does not draw any legal conclusions or assess whether any County policies or State laws were violated. While numerous hours were spent interviewing witnesses and reviewing documents, this report does not purport to include every detail as described by the individuals interviewed as part of the investigation. Rather, it assesses the important facts as they pertain to the allegations of harassment, discrimination and retaliation made against Gill.
II. METHODOLOGY OF THE INVESTIGATION

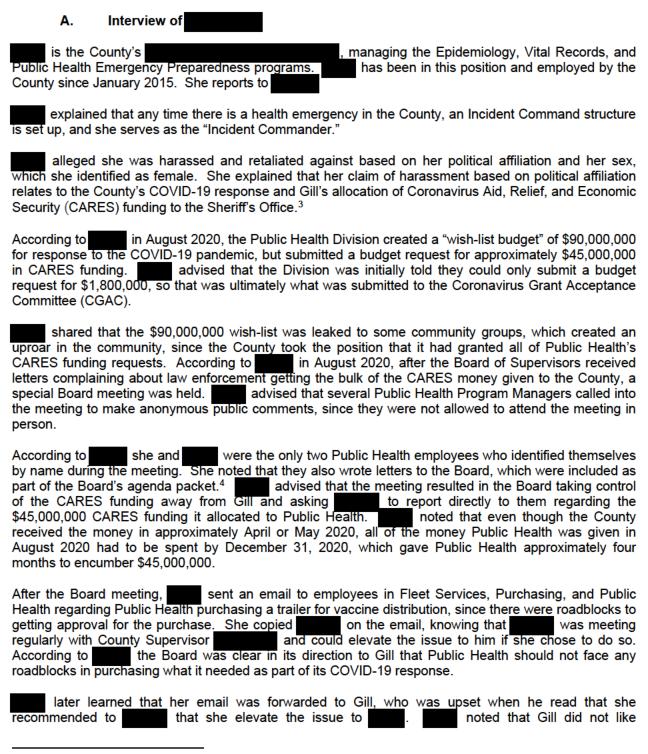
Between November 9, 2020 and February 4, 2021, the undersigned interviewed 45 current and former County employees as part of this investigation. In addition to interviewing witnesses, the undersigned reviewed hundreds of pages of emails and other documents relevant to the issues within the scope of the investigation. Gill was on paid administrative leave during the pendency of the investigation, until he retired effective February 13, 2021.

The undersigned did not interview all witnesses mentioned in the course of the interviews if, in the assessment of the undersigned, the witness did not have direct, relevant, or significant information related to the specific incidents within the scope of the investigation, or if the undersigned obtained the information from a different credible witness or source.



² The scope of this summary report is limited to the allegations raised by pertaining to Gill's management style are addressed in a separate report.

III. DESCRIPTION OF THE ALLEGATIONS



³ In her written complaint, identified other members of Gill's Executive Team as "subjects" of her complaint, but during her interview, she stated that her complaint is primarily against Gill, and that she did not know what, if any, involvement others had in the disciplinary action Gill directed to be taken against her. reported that during a meeting she attended with the former Director of DHS, he identified two other members of Gill's Executive Team as possibly being involved in the directive to take disciplinary action against her.

⁴ letter was also the statement she read to the Board.

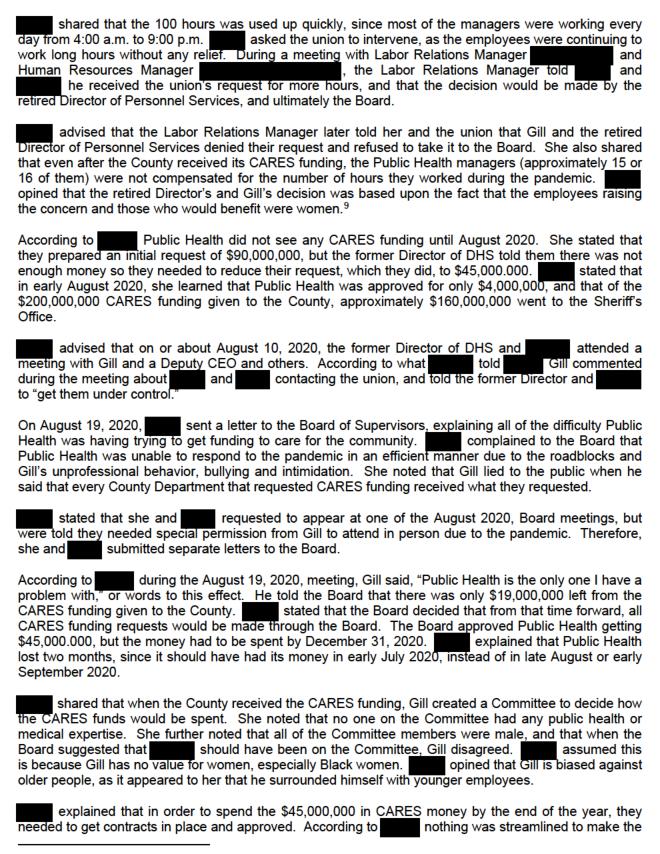
fold Gill told Deputy County Executive Officer or retired Chief to direct to discipline about the vaccine trailer. It is stated that during this meeting, the former Director of DHS told her that he asked a Deputy CEO or the retired Chief Fiscal Officer what policy in writing the directive that
stated that she was never disciplined. She shared that she did not learn about this incident until a "mediation meeting" that took place in September 2020, between the former Director of DHS, and a third-party mediator. According to during this meeting, the former Director told her that he "had her back" regarding the email. At the time, she did not know what he was talking about, and then explained the situation to her.
B. Interview of
has been a and for the County since 2013. She has been employed by the County since 2007. As a oversees the County's Public Health programs. As the oversees all of the County's Nurses, regardless of the program to which they are assigned.
is 64 years old. She identified her race as African American/Black, and her gender as female. alleged she was harassed and retaliated against by Gill, a Deputy CEO, and retired Director of Personnel Services. 6 According to some of the bullying and harassing behavior started before the COVID-19 pandemic, but the behavior escalated during the pandemic.
advised that she started working in the Public Health Division in approximately 2013, and at that time, she noticed that any time the Division requested anything, roadblocks were put up. She stated that the Division has worked in a deficit regarding resources and staffing since she started working in the Division. According to every year she requests additional staff resources as part of the Division's budget, and every year her request is denied. Stated that Public Health did not have adequate staff to manage the COVID-19 pandemic.
shared that she never met Gill in person, but his authoritarian management style "flowed through the County." She described Gill as "abusive towards women," and identified several former County employees who he mistreated and who quit because of how Gill treated them. For example, the former Public Health Officer, retired, but was "on call" for the Division to rely upon for assistance with community projects.
advised that when the pandemic started, she asked the former Public Health Officer to assist with the County's response. The former Public Health Officer agreed, but a few weeks after she started working with the County, Gill fired her for no reason, other than he did not like her. opined that Gill does not like women who are outspoken and disagree with him. She noted that all of Gill's Deputy County Executive Officers are men, and that the only female Deputy quit because of how Gill treated her. ⁷
According to in February 2020, the Governor declared a public health emergency and directed that all counties in the State do the same. It is stated that it is notified her staff, and that a short time later, she went to office and overheard Gill yelling at over the phone.
described this meeting as an effort by the former Director of DHS to express remorse for some of the bad behavior he directed to during the COVID-19 pandemic, and to repair his relationship with staff in the Public Health Division.

⁶ As described above, at the County's direction, the scope of this investigation is limited to allegations against Gill.

⁷ did not know this individual's name, but she was presumably referring to the former Assistant County Executive Officer.

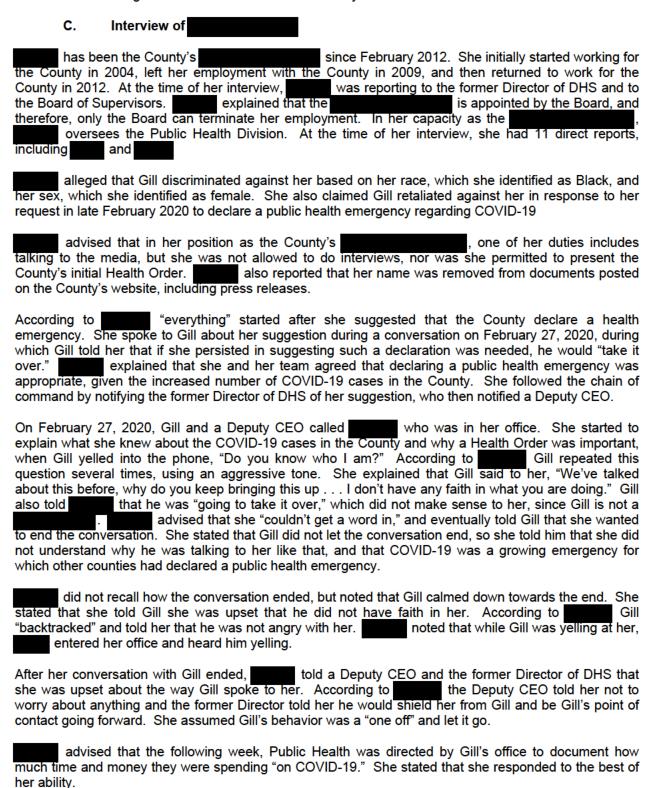
that she heard Gill tell that he had no confidence in her and that he was not going to allow her to declare a public health emergency. She also heard him repeatedly ask, "Do you know who I am?"
stated that after call with Gill, told "He does that a lot," referring to Gill yelling at her and speaking to her disrespectfully. told her that she should report him because it was not acceptable for him to yell, demean and threaten her. She also questioned how Gill knew if decision to declare a public health emergency was appropriate, since he is not a doctor.
On March 10, 2020, explained that Gill called the former Public Health Officer and fired her without explanation. explained that when she spoke to the former Public Health Officer after Gill fired her, the former Public Health Officer told her that Gill never liked her and always treated her disrespectfully. stated that she felt disrespected by Gill's decision to fire the former Public Health Officer, as he did not consider the position he put the Public Health Division in when he did so, and he never discussed his concerns about the former Public Health Officer with her or Public Health Officer without notifying and because they are Black and are therefore, not worthy of his respect.
stated that she did not communicate with Gill directly regarding his decision to fire the former Public Health Officer, as she follows the chain of command. She stated that when she met with the former Director of DHS, and and to discuss the County's COVID-19 response, the former Director told them he was getting pushback for trying to "protect them," referring to and According to later told her that the former Director's job was in jeopardy because he tried to protect them.
stated that and her team developed a website for communications to the community in an effort to be transparent and provide accurate information. According to before and her team published anything on the website, they made sure the information published was accurate. advised that Gill gave Public Information Officer (PIO) access to the website so that the information he wanted the public to have was on there and the information he did not want the public to have was not. Stated that Gill wanted his narrative on the website, which she described as "downplaying the pandemic."
shared that in March 2020, no one knew the pandemic would last as long as it did. According to as the number of COVID-19 cases increased, Public Health requested additional resources, but their requests were always denied. ⁸ She stated that she worked with Administrative Services Officer III, who forwarded the requests to the appropriate budget personnel. stated that the requests were denied by Gill and/or a Deputy CEO at Gill's direction.
advised that after the Public Health Division was repeatedly denied the resources it needed, she went to her union to report that Public Health was unable to respond to the pandemic in a professional and safe way. She stated that no exceptions were made regarding their compensation, given the number of hours they worked each week and their inability to take breaks since there was no staff to relieve them.
According to and the former Director of DHS told her that during a meeting with "executive staff," Gill mentioned her name and as "going to the union." opined that Gill mentioned their names to "slander" them in front of others and opined that he would not have mentioned them by name if they were not women. She further opined that he mentioned their names in an effort to intimidate them, assuming that the former Director and would tell and about the meeting.
According to on March 27, 2020, all of the managers in Public Health involved in the COVID-19 response received an email from Human Resources notifying them that they were going to be paid an additional 100 hours of compensation. maintained that this additional 100 hours was unrelated to the pandemic.

described the additional resources requested to include staff, testing equipment and supplies for the lab.



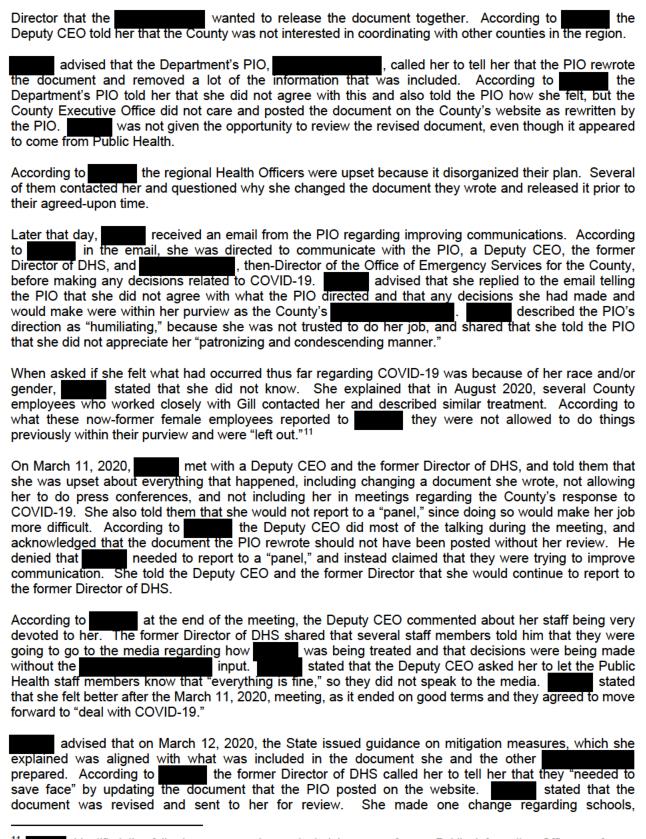
noted that of the 15 or 16 managers impacted, only one is male. She described them as different races and ages.

contracting process easier during the pandemic. She expected there to be exceptions made so that Public Health could get the resources it needed in a timely manner.



On March 6, 2020, the former Director of DHS called to tell her "they" were going to declare a public health emergency and asked her to sign the declaration. Shared that she was not involved in the discussion leading up to this decision, but instead, was given a document to sign. She reviewed the document and signed it, but the situation left a bad feeling with her. In she opinion, she should have been involved in preparing the document, since she was the one who had to sign it. She did not know who made the decision to not include her in the discussion.
The Proclamation signed was put on the agenda for the March 10, 2020, Board meeting. According to the former Director of DHS presented the Proclamation to the Board, which the Board approved. She was not invited to present or even attend the meeting, even though she signed the Proclamation. Proclamation to the Board, which the Board approved and ignored by Gill. In the presented Health Orders to the Board, so she opined that she and the former Director should have presented it together.
stated that in early March 2020, they learned that a couple who had just returned from a cruise tested positive for COVID-19. The couple lived with their grown children and grandchildren, who developed symptoms of COVID-19. It is a learned that the grandchildren attended schools in the Elk Grove Unified School District. She contacted the District's Superintendent and also spoke to the County's Board of Education. Out of abundance of caution, the District Superintendent decided to move the District's spring break up one week to give the County time to get the children's test results. Stated that she notified the former Director of DHS about her conversations with the District and Board of Education.
The District announced on Saturday that it was moving spring break up one week, which resulted in many parents being outraged. Some parents called to complain, so arranged for a press conference. Stated that she was not invited to attend the press conference, but the former Director of DHS was present. Shortly thereafter, they learned that one of the grandchildren tested positive for COVID-19.
advised that on Monday, she notified the District that one of its students tested positive for COVID-19. The District wanted to hold a press conference with her, which explained was not unusual, but when she called the former Director of DHS to update him, he told her she could not hold a press conference with the District. According to the former Director did not provide her with a reason, other than the County Executive Office would not allow a press conference.
stated that she was confused, since she had held press conferences with school districts on other occasions. She later learned that the former Director of DHS called a reporter for <i>The Sacramento Bee</i> , without coordinating with the District, and told the reporter that one student tested positive, but the basketball team could play in a tournament that was scheduled to take place that week. According to the District was upset that the County did not coordinate with it before the former Director spoke to the media.
advised that on the same day, staff told her that the PIO called and told her that "they" were taking over the Public Health website being used to provide updates to the community. According to Public Health staff members were unable to log on and were redirected to a new website.
shared that the following weekend, she was in contact with prepared a document to explain the "state of affairs" to the public, and more specifically, that COVID-19 was spreading within the community and they were working on a strategy to address this.
stated that she gave the document she and the other in the region prepared to the former Director of DHS, who shared it with a Deputy CEO and the PIO.

¹⁰ The County's Proclamation of Local Public Health Emergency was signed by on March 5, 2020.



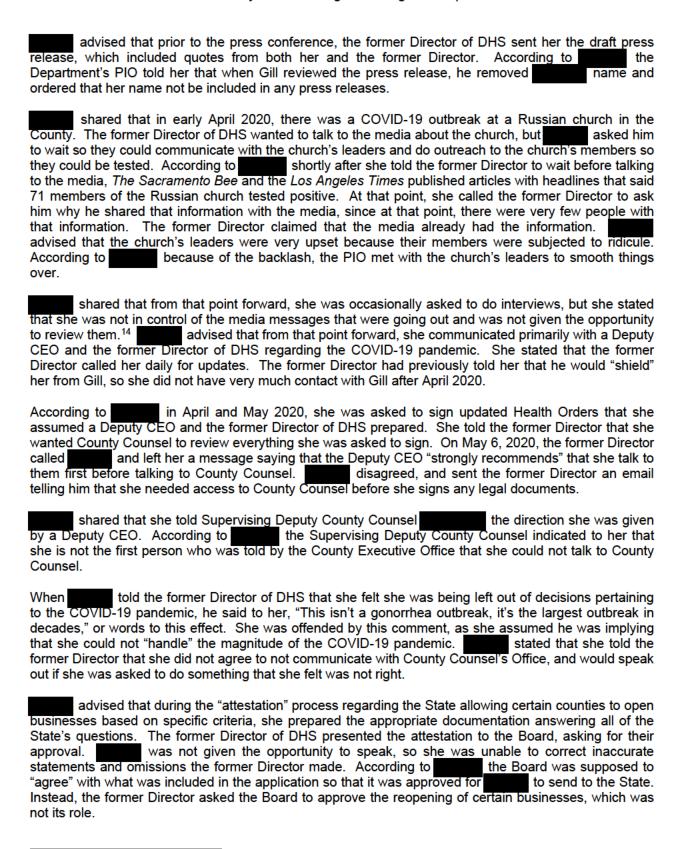
identified the following women who contacted her – a former Public Information Officer; a former Behavioral Health Director; a former Director of DHS; and the former Assistant CEO. According to these women are Caucasian, except the former Behavioral Director, who she identified as Asian/Indian.

recommending that if someone at the school tests positive, the school district should consider closing the

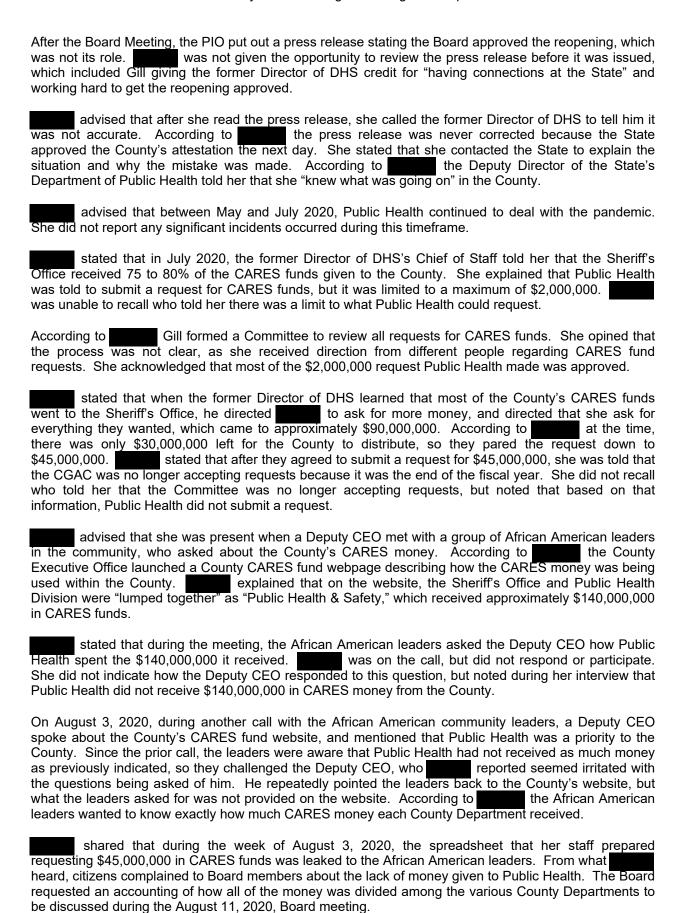
school, since it was unclear at that time how COVID-19 affected children. 12 Later that day, the Department's PIO sent an e-mail indicating that a Deputy CEO decided to remove references to schools in the statement that was posted on the website. She acknowledged that the County does not control the schools, but noted that when there is a public health crisis, the has the authority to shut down schools. shared that after the counties in the Bay Area issued "shelter-in-place" orders telling all citizens to agreed this was a good approach. She asked that the County issue a similar order due to the number of cases increasing, the issues that existed with getting people tested, and concerns regarding hospital capacity. sent the former Director of DHS and a Deputy CEO an email requesting On March 18, 2020, permission to issue a Health Order similar to the ones issued in the Bay Area. In her email, she explained why she thought such an order was necessary. In response, the former Director and the Deputy CEO scheduled a meeting with her. shared that based on the changes made to prior documents she prepared, she asked County Counsel to attend the meeting with her. During the meeting, Gill walked by and noticed that County Counsel was there, so he asked County Counsel why she was there. County Counsel told Gill that requested she attend the meeting with stated that when a Deputy CEO asked a question and County Counsel responded, he told County Counsel he was not asking her, which county counsel he was not asking her, which county counsel he was not asking her, which county cou CEO, "Sorry to throw you under the bus," which she thought was a weird comment for him to make. stated that during the meeting with a Deputy CEO, the former Director of DHS, and County Counsel, the PIO entered the room with a "Health Directive," which reduced the Health Order prepared from six pages to two pages. shared that she felt pressured to agree with the Health Directive because it was obvious to her that the County Executive Office was not going to allow her to issue the Health Order she prepared, which was modeled after the Health Orders issued in the Bay Area. opined that she was not in control of the County's messaging regarding COVID-19. She told them she agreed with the Health Directive, but questioned if it was enforceable. 13 Health Directive was published as if she wrote it, even though she did not. On March 19, 2020, Public Health staff members learned that the State was going to issue a Statewide Health Order. According to a Deputy CEO and the former Director of DHS told her that the County should also issue a Health Order, so they issued the one she had written earlier. She reviewed the Health Order with County Counsel to ensure that nothing was changed. When the Order was ready to be presented. told the former Director that she wanted to be present at the press conference, since she is the one signing the document. According to the former Director responded, "We'll see." He later told her that she could attend the press conference, but could not speak. stated that she arrived for the press conference and was seated with the audience, instead of at , the former Director of DHS, the Sheriff, and the District Attorney, all of whom spoke to the media. The former Director presented the Health Order. According to conference, someone asked the former Director a question about Uber and Lyft drivers, and he did not know how to answer the question.

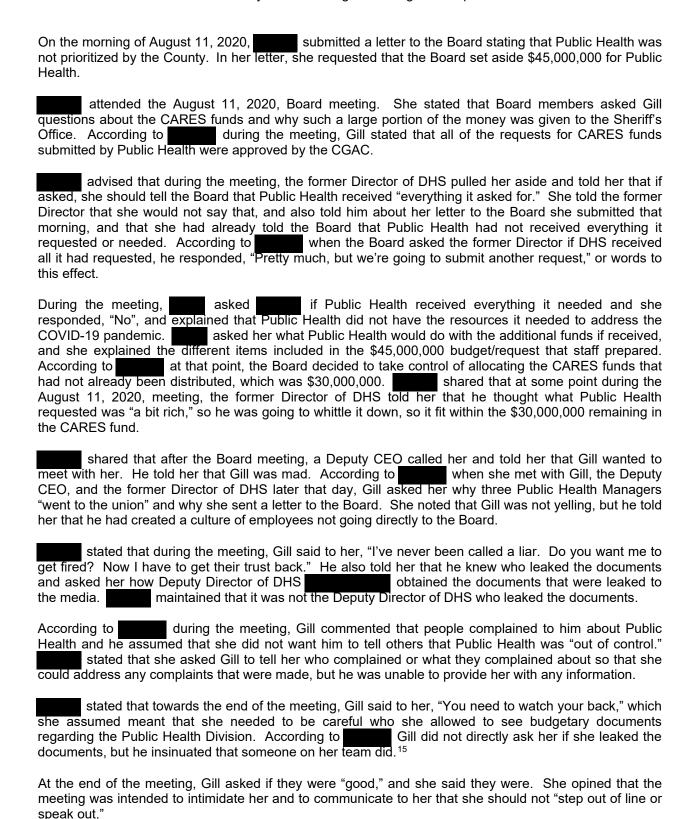
¹² Presumably, was referring the County's Statement on Mitigation Strategy, which was posted on the County's website on March 15, 2020.

¹³ According to when someone violates a Health Order, it is a misdemeanor, but the Directive did not include any language regarding failure to obey the directive.

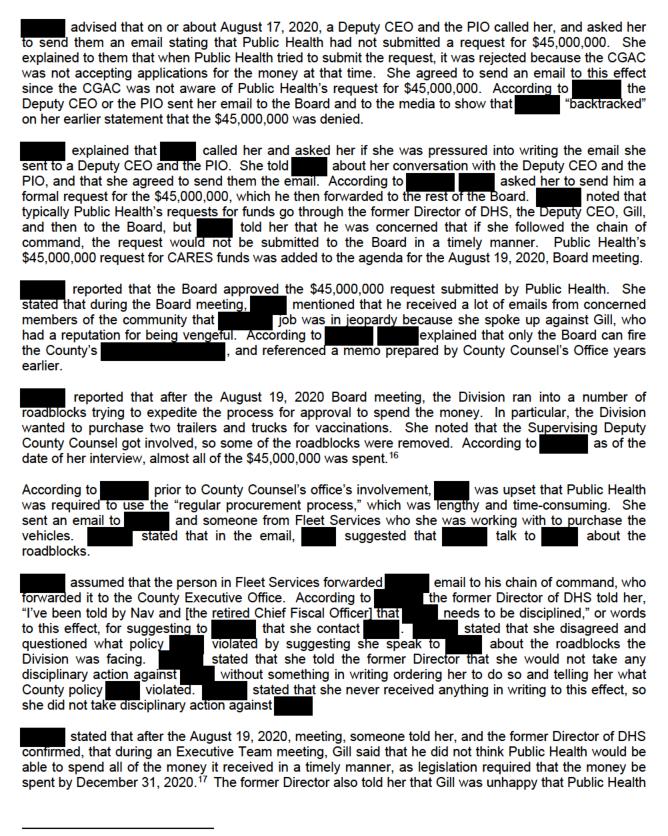


shared that after the August 19, 2020, Board meeting, the PIO called her and said, "From now on, I'm having you do interviews . . . I don't care if I get into trouble," or words to this effect. She explained that this conversation occurred after the former Director of DHS said a school and a church were "reckless."





stated that she suspected someone in the Department leaked the CARES fund data to the media, but she declined to identify this person by name since it was only a suspicion on her part.



also explained that the money allocated to Public Health was converted into the County's General Fund, giving the Division more leeway so that not all of the money needed to be spent by the end of the year.

did not recall who initially told her about Gill's statements regarding the CARES fund money.

was given the money, and that he was going to make it difficult for all of the money to be spent by the end of the year. the Department of General Services required that Public Health go through the According to entire contracting process, which was quite lengthy and cumbersome. She stated that the Supervising Deputy County Counsel's memo instructed General Services to , which were approved by Purchasing Agent On September 4, 2020, the former Director of DHS, spoke about their and communication breakdown during the COVID-19 "turmoil". 18 stated that during their telephone conversation, she told the former Director that in her opinion, Gill and a Deputy CEO used him to convey messages to her, creating friction between them. According to what the former Director told her, he was present during conversations between Gill and others during which Gill spoke about "getting rid of The former Director told that he disagreed, causing Gill and the Deputy CEO to be upset with him and him to be concerned that his job was "on the line." advised that the former Director of DHS apologized to her for the part he played in the confusion and the stress that occurred during the pandemic. She stated that they were able to "reset" and as of the date of her interview, were working well together. According to during this conference call, the former Director of DHS mentioned to and the retired Chief Fiscal Officer wanted her to be disciplined, which upset her. The former Director also told them that during Executive Team meetings that he attended, Gill made "racial jokes," which assumed were about her. However, shared that the former Director later told her that the joke was not about her and was an "Asian joke." complaint against Gill is based on her race because she felt singled out by him and heard secondhand that he made race-based jokes and has derogatory nicknames for people. She described Gill's race-based conduct as "subtle," and stated that no one ever told her that Gill used a derogatory term about her. shared that she decided to make a complaint with the County after she heard from several other women about their experiences with Gill. She also stated that after calls for Gill to resign or be fired were made, and Gill denied any wrongdoing, she decided to make a complaint to document the way he treated opined that Gill treated female subordinates badly, but if no one reported it, he would get away with it. She did not know if he treated male subordinates similarly, but heard secondhand that , a former employee in the County Executive Office, quit because Gill treated him badly. 19 IV. FINDINGS REGARDING ALLEGATIONS OF HARASSMENT. DISCRIMINATION AND RETALIATION This Summary Report of Investigative Findings includes findings of fact on the allegations of harassment, The abbreviated nature of this report and discrimination and retaliation raised by is not intended to dismiss the candid and valuable perspectives and experiences reported by the witnesses who participated in this investigation. This report does not express any opinion as to whether any of the actions described herein rise to the level of a violation of County policy or California law. In conducting this investigation, the investigator did not set out to prove or disprove the allegations, but rather to gather information in a neutral fashion and reach reasoned conclusions. The factual findings

recommended they use to help repair their relationship.

is Black.

advised that

explained that this call included a mediator, who the Chief of Staff to the former Director of DHS

¹⁴

were made by carefully analyzing the documentary and testimonial evidence gathered as part of the investigation.²⁰

A. Credibility Assessment

It is important to note that prior to making a determination regarding the facts as alleged, the credibility of each witness was considered. In evaluating a witness' credibility, many factors were considered, including possible bias or motivation to lie, the ability of a witness to recall information, the specificity of the information provided, whether the information provided was consistent with prior statements made by the witness and/or statements made by other witnesses, and the inherent plausibility of the information provided.

The only witness interviewed as part of this investigation who overall is deemed to be not a credible witness is Gill. For the most part, the other witnesses who were interviewed appeared credible, even when they were mistaken about information they provided or did not recall a specific incident. More likely than not, discrepancies in the witnesses' testimony stem from varying perceptions and recollections of the specific incidents that are the subject of this investigation.

One of the reasons Gill is not a credible witness is because several statements Gill made during his interview were contradicted by multiple witnesses with firsthand knowledge of the incidents reported. For example, several witnesses reported that during the initial months of the COVID-19 pandemic, Gill told others he wanted to fire the County Gill denied telling anyone that he wanted to fire the wanted to fire the Gill denied telling anyone that he wanted her to be fired.²¹

Some of the witnesses interviewed during the investigation displayed bias in support of or against Gill, while others remained very factual when describing their observations and personal experiences. Despite their biases for or against Gill, or lack thereof, most of the witnesses were able to provide detailed accounts of the incidents they shared during their interviews, and in some cases had somewhat contemporaneous documentation to support their recollections. Their biases may have skewed their perceptions of certain incidents or the motivation for certain conduct, but there is no reason to doubt that the incidents occurred.

Complaint of Discrimination Based on Gender and

B. Findings of Fact

1.

Retaliation claim that she was subjected to gender-based and retaliatory conduct is based upon her belief to discipline her for sending a letter to the Board of Supervisors in support of that Gill directed However, the credible evidence presented during the investigation does not establish by a preponderance of the evidence that Gill directed anyone to discipline claim is based upon statements made during a September 4, 2020, "mediation" meeting that occurred between her and others. and maintained that during this meeting, the former Director of DHS shared with them that Gill directed him to tell to "write up" regarding the delays that occurred during the suggested to that speak to procurement process after the Board granted Public Health \$45,000,000 in CARES funds.

²⁰ The facts are assessed using a preponderance of the evidence (more likely than not) standard of proof. What might be considered hearsay in a legal proceeding was considered and given appropriate weight in this investigation.

²¹ According to and others, many years ago, a member of the County Counsel's Office opined that the County can only be fired by the Board. The opinion states that the Director of DHS administratively oversees the activities of the County has the authority and resources to perform basic public health functions.

There is no known reason to believe that and fabricated what they reported that the former Director of DHS said during the meeting. However, what the former Director said during the meeting was not a completely accurate statement, as the credible evidence presented by someone who was present during the meeting does not indicate that any such directive was issued by Gill. One witness credibly reported being present when Gill told the former Director and one of the Deputy CEOs that he wanted disciplined or written up for "not telling the truth," and not because she communicated with the Board.
Gill denied directing anyone take disciplinary action against that he was directed to take disciplinary action against while a Deputy CEO stated that that he did not recall such a directive. One member of Gill's Executive Team credibly recalled Gill saying, "Something is wrong if I'm the CEO and I know their names. I shouldn't know their names," or words to this effect, referring to and the disciplined but for different reasons. According to this witness, Gill wanted disciplined for not telling the truth in her statement to the Board, and he wanted written up because he suspected she leaked false information regarding the County's use of CARES funds. Additionally, reported that the former Director of DHS notified her of this directive from Gill and she "pushed back," refusing to discipline unless she was directed to do so in writing.
Although there is no known reason for the former Director of DHS to falsely report to that Gill gave him a directive to discipline subordinate employees, more likely than not, he was mistaken. Another witness present during the conversation between Gill and the former Director is a more credible witness regarding this incident, as there is no known reason for the witness to falsely attribute these statements to Gill. Additionally, corroborated claim that the former Director mentioned this directive by Gill to shared that she did not communicate the directive to because she was not going to obey it without receiving something in writing.
While it is more likely than not that Gill directed the former Director of DHS and a Deputy CEO to ensure that disciplinary action was taken against it is also more likely than not that the reason Gill wanted disciplined was not because she communicated with the Board and made a statement during a Board meeting. Rather, it is more likely than not that Gill wanted disciplined because he opined that what she said during her statement to the Board was untruthful. He wanted her disciplined for being dishonest in her communication with the Board, and not because she had a communication with the Board. Notably, and another witness also submitted letters to the Board and there was no directive that they be disciplined, indicating that it was not the fact that was dishonest.
Based on the foregoing, claim that Gill directed she be disciplined based on her gender or because she sent a letter and/or made a statement to the Board is not sustained.
2. Complaint of Discrimination and Harassment Based on Age, Race and Gender
a. Termination of the Former Public Health Officer
claim that the former Public Health Officer was terminated by the County during COVID-19 based on age, race and/or gender is not supported by the credible evidence presented. Rather, what more likely than not was the reason for the former Public Health Officer's termination was Gill's dislike of the former Public Health Officer going back many years when she was the Public Health Officer.
Several different versions were reported regarding what occurred leading up to the former Public Health Officer's "termination." The former Director of DHS reported that he was directed to tell to fire the former Public Health Officer, while a Deputy CEO maintained that was not ordered to terminate the former Public Health Officer, but rather, he suggested to her that she "consider" letting the former Public Health Officer go, which can be viewed as an implied order regardless of how the Deputy CEO characterized the situation. According to Gill, he told the Deputy CEO that if the former Public Health Officer was not needed, to end her contract.

It is unclear why Gill thought the former Public Health Officer was not needed, as a least one other Division employee reported that she was very helpful to the Division. From their perspectives, the former Public Health Officer was needed. One member of Gill's Executive Team reported that Gill opined that the former Public Health Officer was "causing problems" because she created confusion by communicating with Department Heads, who questioned why the former Public Health Officer was giving them directions.

Although no one clear reason was offered for the former Public Health Officer's termination, the explanations provided by members of Gill's Executive Team are plausible and provide a legitimate reason unrelated to age, race and/or gender, for Gill wanting the former Public Health Officer to be terminated. The fact that Gill disliked the former Public Health Officer, coupled with the fact that no one notified the County Executive Office that the former Public Health Officer was working on-call for Public Health, and further compounded by the questions Department Heads asked about why the former Public Health Officer was giving them directions, resulted in Gill wanting the former Public Health Officer gone.

Based on the foregoing, claim that the former Public Health Officer was fired based on age, race and/or gender is not sustained, as the credible evidence presented does not indicate that Gill's desire to have the former Public Health Officer gone was in any way related to

b. Public Health Website

claim that the Public Information Office took over the Public Health website at Gill's direction based on age, race and/or gender is not supported by the credible evidence presented. The PIO provided a credible explanation for her actions regarding the Public Health website, unrelated to age, race and/or gender. Additionally, it is undisputed by those who were involved with the website that Gill did not give the PIO any direction regarding the Public Health website, but communicated to the PIO that the Board wanted to see a website that provided Countywide information and was accessible to members of the public. More likely than not, Gill did not play any role in the Public Information Office's effort to update and improve the quality of the information included on the website.

The former Director of DHS and another Department employee credibly reported that the Public Health website was not being updated as frequently as the PIO wanted it to be due to Public Health's other commitments in responding to COVID-19. Additionally, Public Health staff were resistant to making the changes and updates the Public Information Office recommended so that it was easier to use "from a communications standpoint."

The PIO credibly maintained that she did not "hijack" or "steal" Public Health's website, as the website she created for the County Executive Office was separate from the Public Health website. The credible evidence presented does not support claim that Public Information Office staff members engaged in any inappropriate conduct related to the Public Health website. Public Information Office staff did not have access to the Public Health website, and therefore, could not have engaged in any misconduct related to the site, including removing name from the website.

Based on the foregoing, claim that the Public Health website was "hijacked" by the Public Information Office at Gill's direction based on age, race and/or gender is not sustained.

c. Management Additional Compensation and Relief from Vacation Limits

claim that Gill denied management-level employees additional compensation and refused to relieve them from the vacation accrual limit during the COVID-19 pandemic based on age, race and/or gender is not supported by the credible evidence presented. More likely than not, this decision was made by the retired Director of Personnel Services, who discussed it with Gill, but recommended to him that the County maintain the status quo.

On the one hand, the retired Director of Personnel Services offered a reasonable explanation for not wanting to give the Sacramento County Management Association (SCMA) what it requested, as doing so would likely result in other unions requesting similar treatment. It is understandable that the County did

not want to get into the position of reopening SCMA's labor contract to allow for management employees to accrue in excess of 400 hours of vacation leave, because it is very likely that all of the other unions would want their contracts reopened for a similar concession.

On the other hand, it is unclear why the retired Director of Personnel Services and presumably Gill were against requesting the Board authorize Public Health managers be paid additional compensation for the number of hours they worked during the COVID-19 pandemic. The retired Director's response to SCMA's request failed to recognize that even if all County managers were working longer hours than usual during the early months of the pandemic, the managers in Public Health were likely working far more hours than anyone else, as they were front line responders.²²

Gill's approval was needed to bring a request to the Board for approval to pay additional compensation to the Public Health managers. Based on the retired Director of Personnel Services' recommendation, Gill did not approve SCMA's request. pointed out that the managers most affected by the retired Director's and Gill's refusal to take SCMA's request to the Board were women, but the credible evidence presented does not indicate that in making this decision, either the retired Director or Gill considered the age, race and/or gender of the management-level employees who would benefit by the additional compensation or relaxed limits on vacation accruals.

More likely than not, the retired Director of Personnel Services and Gill were focusing only on the "bottom line," and not taking into consideration that what SCMA requested was reasonable under the circumstances. Their agreement to relax the rules regarding Management Time Off (MTO) is indicative of this attitude, as relaxing these rules created minimal financial impact to the County. Additionally, the retired Director's response to some of the questions he was asked during his interview evidences that he was understandably displeased with approving some managers be paid in excess of 100 hours of additional pay, as she did not have the authority to do so. It is unclear if the retired Director's and Gill's unhappiness with impacted their perspective that the managers should accept relaxed rules regarding MTO and forego additional compensation or removal of the vacation accrual cap.

Based on the foregoing, claim that the Public Health managers were not paid additional compensation for the hours they worked based on age, race and/or gender is not sustained.

3. Complaint of Discrimination and Harassment Based on Race and Gender

a. Interactions with Navdeep Gill

More likely than not, Gill behaved inappropriately and unprofessionally when interacting with the credible evidence presented was insufficient to establish by a preponderance of the evidence that Gill's conduct was motivated by race and/or gender. As discussed in greater detail in the Investigation Summary submitted to the County on March 17, 2021, Gill treated many employees inappropriately and unprofessionally.

Some might describe Gill as an "equal opportunity bully," as his toxic behavior did not appear to focus only on females or only on people of color. Many members of Gill's Executive Team recounted incidents during which Gill behaved in an abhorrent manner towards the retired Chief Fiscal Officer and to a lesser extent, a Deputy CEO. The fact that Gill behaved unprofessionally when interacting with the retired Chief Fiscal Officer and a Deputy CEO, both of whom are male, undermines claim that his bad behavior towards her was gender-based.

Additionally, the retired Chief Fiscal Officer is Caucasian, further undermining claim that race was a factor in how Gill treated others. Similarly, many employees described Gill's conduct towards the

²² One member of Gill's Executive Team opined that during the early months of the COVID-19 pandemic, the managers in Public Health worked 10 times as many hours as other managers in the County,

former Assistant CEO, who is also Caucasian, as particularly troubling, further indicating that race did not play a role in how Gill interacted with subordinate employees. Although Gill denied yelling at and described his conversation with her to be "heated," two members of Gill's Executive Team, neither of whom have any known reason to exaggerate Gill's conduct. described Gill's conduct during his February 27, 2020, telephone conversation with as "velling." who was not present in office, but walked by it, could hear Gill's voice. As described above, many witnesses corroborated claim that Gill wanted to fire her as the . She learned this from the former Director of DHS, who was present in the room with members of Gill's Executive Team when Gill made statements to the effect of wanting "gone." Although Gill did not have the authority to terminate the , his statements about wanting her gone indicate that if he had such authority, he may have acted on it. Gill reported being unhappy with the decisions made with respect to declaring a public health emergency and regarding the various Health Orders that she drafted, including one she wanted to jointly present with Yolo and Placer Counties. Gill viewed response to COVID-19 as "extreme," and claimed that during the early weeks of the pandemic, the Board did not support the actions recommended. Several witnesses reported Gill viewing as a "thorn in his side" and not working collaboratively with the County Executive Office, causing Gill to be dissatisfied with performance as the In assessing the facts regarding Gill's interactions with and statements about the undersigned as an "African princess." considered the credible evidence presented regarding Gill's reference to in such a manner. 23 Such a Two members of Gill's Executive Team reported hearing Gill refer to However, it is more likely than not that this statement evidences a racial animus by Gill towards racial animus did not motivate him to yell at or to want to fire her. Instead, it is more likely than not that Gill wanted removed as the because he did not have confidence in her and disagreed with the recommendations she made pertaining to the County's response to COVID-19, described in greater detail below. claim that Gill yelled at her and wanted to fire her based on her race Based on the foregoing, and/or gender is not sustained. The credible evidence presented establishes that more likely than not, Gill treated many employees, including Caucasian males, in a similar manner to how he treated claim that Gill's conduct towards her was motivated by her race and/or gender. undermining

b. Response to COVID-10 Pandemic

The credible evidence presented establishes that more likely than not, Gill did not respond to the COVID-19 pandemic in an appropriate manner. Many witnesses reported that Gill did not take the COVID-19 pandemic seriously. Gill admitted to jokingly opining that COVID-19 would "go away" after the 2020 Presidential election, indicating his belief that the pandemic was a political issue and not a public health emergency.

Gill denied laughing at or mocking employees for wearing masks. This denial was undermined by several witnesses, including members of Gill's Executive Team, who reported that even though they wanted to wear a mask during meetings with Gill, they did not do so because they did not want Gill to make fun of them.

²³ The undersigned did not learn of this comment until the thirtieth interview conducted as part of this investigation, and did not reinterview witnesses who were interviewed prior to the thirtieth interview to ask them if they heard referred to in this manner.

Gill denied directing all employees in the CEO's office to return to work at the County Administrative Building, but acknowledged that it was his preference for employees to return to work at the office. Gill also denied telling anyone that if employees did not want to return to work on site, they could find employees who would. Gill's depiction of his position regarding employees working from home was contradicted by several members of his Executive Team, who described Gill as unnecessarily insisting that County Executive Office staff members be in the office and that there be in-person meetings that could have been held via video. One of Gill's Executive Team member's description of Gill having a meltdown when this employee pushed back against requiring employees to return to work in the office is an example of Gill's opinion regarding COVID-19 and how the County should respond.

Gill's denial that he expected employees to return to work is undermined by his admission that in approximately June 2020, he required that all Agency, Department Head, and Agenda Review meetings take place in person. Gill acknowledged that he did not allow employees to attend these meetings remotely (via video), but stated it was "okay" if they were unable to attend the meetings. Gill's expectation that employees attend meetings in person in the midst of a pandemic, when County Health Orders urged employees to work from home if possible, is indicative of his failure to adhere to the measures implemented by the County to prevent the spread of COVID-19 and to create a safe work environment for all County employees.

The fact that Gill did not view COVID-19 as a public health emergency is more likely than not what guided his decisions regarding COVID-19. The credible evidence presented does not support that any of Gill's decisions regarding the County's response to the pandemic were motivated by either her race and/or her gender.

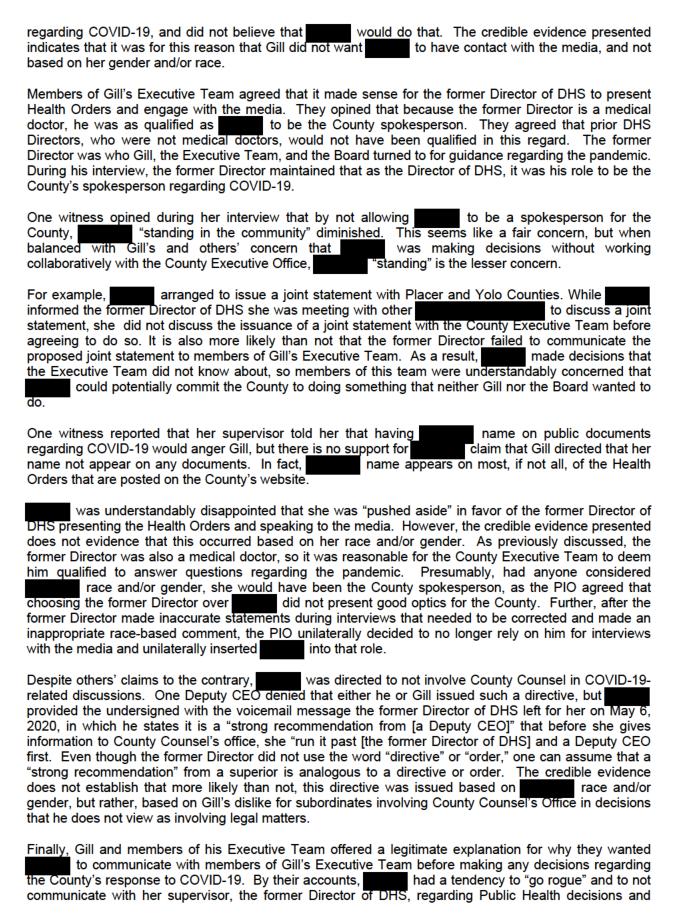
According to several members of Gill's Executive Team, all of whom appeared credible during their interviews, early on during the COVID-19 pandemic, Gill's response to the pandemic was appropriate under the circumstances, in light of the information that was available to them at the time decisions were made. For example, wanted to declare a public health emergency in late February or early March 2020, prior to the State doing so. Gill explained that he did not necessarily disagree with recommendation, but he wanted to better understand it in light of prior health emergencies that she declared for which he lost confidence in her decision-making skills. Members of Gill's Executive Team agreed with Gill's reticence, as they wanted to better understand how declaring a public health emergency could impact County residents and businesses.

Similarly, Gill's pushback regarding the Health Order requiring citizens to shelter in place/stay at home was understandable, given the confusion and unknowns that existed at the time. It is easy to look back to March 2020 and say that the shelter-in-place orders that were implemented were appropriate given the increase in COVID-19 cases that occurred when the Orders were eased in approximately June 2020.

Several members of Gill's Executive Team reviewed the shelter-in-place order prepared and had questions about its applicability to the Sacramento region. It appeared to them that copied the order from an order issued by a County in the Bay Area, as evidenced by her failure to change the signature block to include her name instead of the name of the Santa Clara County Public Health Officer.

It is undisputed that members of the Executive Team made changes to the Health Orders According to one member of Gill's Executive Team, this was done for quality control purposes. This witness also noted that the former Director of DHS was consulted regarding any substantive changes that were made to any document prepared, and that he approved of the changes. Given that the former Director is a medical doctor, and was supervisor, it is understandable that the Executive Team relied on him to not only provide it with his expertise, but to communicate to any changes being made to the documents she prepared. One Executive Team member explained that the initial Health Order prepared shut down industries that Gill and the Board did not want to shut down.

According to the PIO, the press conference that was held on or about March 19, 2020, was arranged at the request of Gill was present, but it was present press conference. The PIO acknowledged that to have contact with the media because he did not have confidence in her to speak on behalf of the County. Gill wanted to control the County's public messaging and narrative



Much of the consternation that was created between Public Health and the County Executive Office appears to be due to a lack of communication between the former Director of DHS and Public Health staff, including as well as the former Director and the County Executive Office. It appears as though assumed that as the sasumed t

The credible evidence presented establishes that more likely than not, with the exception of the decision to keep away from the media, these decisions were made by the County Executive Team as a group, and not by Gill individually. Members of Gill's Executive Team offered a legitimate explanation for revisions they made to documents prepared and for directing her to discuss decisions regarding the pandemic with them, unrelated to race and/or gender. Additionally, Gill offered a legitimate explanation for why he did not want to communicate with the media on behalf of the County. Gill's explanation was corroborated by others, who agreed that they needed to control the narrative regarding the County's response to the pandemic.

Based on the foregoing, claim that she was excluded from decisions regarding the County's response to the COVID-19 pandemic, and was sidelined in favor of the former Director of DHS, based on her race and/or gender, or because she pushed back against Gill's reluctance to declare a public health emergency, is not sustained.

c. Coronavirus Aid, Relief and Economic Security Act Funding

Several of the Public Health witnesses interviewed as part of this investigation provided inconsistent versions of what occurred regarding Public Health's requests for CARES funds. The CGAC, whose members were selected by Gill, did not include any DHS administrators or staff. As a result, in many cases, the witnesses' reports of what occurred were based on what they were told by others. For that reason, the statements relied upon by the undersigned are made by those with firsthand knowledge of what occurred regarding Public Health's requests for CARES funds.

It is undisputed among those with firsthand knowledge that Public Health's request for \$45,000,000 in CARES funds was not submitted to the CGAC. It is unclear why this request was not submitted, but the responsibility for this lies with the former Director of DHS and not with Gill or any member of the CGAC. When told the Board that Public Health did not have the resources it needed, she led the Board to believe this was due to the CGAC not approving requests for CARES funds submitted by Public Health. The undersigned formed the same impression during the complainants' interviews for this investigation.

reported that Public Health staff members were told they could request only \$2,000,000 in CARES funds from the CGAC, but she was unable to identify who gave her this information. also reported that after she and her staff prepared a budget of \$90,000,000, they were directed by the former Director of DHS to reduce it, which they did.

was submitted internally within DHS, someone communicated to Public Health that the CGAC was no longer accepting requests for CARES funds. The source of the inaccurate information conveved to is unknown. The former Director of DHS reported being frustrated with for not submitting Public Health's requests for CARES funds to him in a timely manner. He blamed her for the situation that resulted in August 2020, with the Board getting involved, but noted that had the Board not gotten involved, Public Health's request for \$45,000,000 would likely have been denied, at least in part, due to inadequate funds remaining as of August 2020. One witness, on the other hand, opined that had Public Health's request been submitted sooner, it may have gotten more than \$45,000,000 in CARES funds. The concern regarding Public Health's \$45,000,000 request for CARES funds is that it was never submitted to the CGAC. The former Director of DHS did not have an explanation for this, but at the end of the day, it was his Department and his responsibility to ensure that all of the requests prepared by the divisions in DHS were presented to the Committee for consideration. accused Gill of lying when he stated during the August 11, 2020, Board meeting that all of the requests submitted by Public Health were approved. This was, for the most part, an accurate statement, in that only \$125,000 of the \$1,500,000 request submitted to the Committee was denied and redirected to Federal Emergency Management Agency. At a Deputy CEO's request, sent him an email clarifying her statement at the Board meeting regarding Public Health's resources, as she implied that the Division did not have the resources it needed because its requests were denied by the CGAC. stated that she felt pressured into writing this email, but there is no indication that what she wrote in the email is not completely accurate. There was no credible evidence presented indicating that the Deputy CEO requested send him an email clarifying her statements at the Board meeting for any improper purpose. and others opined that Public Health was not prioritized by the County and/or the CGAC with respect to CARES funds. However, they expressed this opinion based on the amount of CARES money given to the Sheriff's Office. All of the members of the CGAC credibly reported that even though on paper it appeared as though the Sheriff's Office was given a large percentage of the CARES funds awarded the County, the documentation was misleading. As explained by members of the Committee, the money "given" to the Sheriff's Office was not actually given to the Sheriff's Office, but rather, was "transferred" to the General Fund to free up funds for use beyond December 31, 2020. To the extent claims that Public Health's inability to enter into contracts and procure the goods and services it needed after it received \$45,000,000 in CARES funds was based on race and/or gender, or any other improper motive, this claim is undermined by the County's Purchasing Agent, who reported that he was never directed make it difficult for Public Health to spend the money by the end of the year. On the other hand, he was also not directed to shorten the County's contracting and procurement processes to assist Public Health. Without such a directive from his superiors, General Services was not in a position to allow Public Health to disregard the County's established protocols. Gill acknowledged that he did not believe Public Health would be able to spend the \$45,000,000 it was granted prior to December 31, 2020. However, the credible evidence presented does not support claim, based on what the former Director of DHS told her, that Gill was unhappy Public Health was given the money and that he was going to make it difficult for Public Health to spend the money by the end of the year. The former Director of DHS attributed the roadblocks Public Health encountered to "the bureaucracy of the County's contracting process," and not to anything Gill said or did. Based upon the foregoing, the preponderance of the evidence establishes that Gill did not engage in any

gender did not play any role in any decision Gill made pertaining to distribution of the County's CARES

race and/or

wrongdoing regarding CARES funds given to Public Health. More likely than not,

funding.

V. CONCLUSION

Based upon the foregoing, the complainants' claims that Gill made decisions or engaged in conduct towards them based on their gender, race, and/or age, are not sustained. Despite Gill's creation of a toxic work environment, the credible evidence does not establish by a preponderance of the evidence that Gill's response to the COVID-19 pandemic and decisions he made in relation thereto were improperly motivated by gender, race, and/or age.

Respectfully Submitted,

Karen Kramer

Kramer Workplace Investigations